

SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

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BY: \_\_\_\_\_

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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF YAVAPAI**

**STATE OF ARIZONA,**

Plaintiff,

vs.

**ANTHONY JAMES RICHARDS,**

Defendant.

CAUSE NO. P1300CR201600476

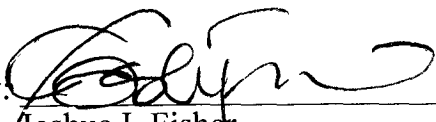
**STATE'S RESPONSE TO  
DEFENDANT'S OBJECTIONS  
DURING DEPOSITION OF JOAN  
SHATTUCK**

Assigned to Hon. Tina R. Ainley

1 The State of Arizona, by and through Sheila Polk, Yavapai County Attorney, and  
2 her deputy undersigned, hereby submits its responses to objections noted by Defendant  
3 during the deposition of witness Joan Shattuck. Attached to the responses are a copy of  
4 the deposition transcript.

**RESPECTFULLY SUBMITTED** this 18<sup>th</sup> day of February, 2020.

Sheila Polk  
Yavapai County Attorney

By:   
Joshua I. Fisher  
Deputy County Attorney

COPY of the foregoing

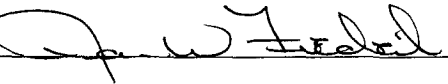
☐ mailed ☒ emailed ☐ hand-delivered

this 28 day of February, 2020 to:

Hon. Tina R. Ainley  
Yavapai County Superior Court Division 3

Craig Williams  
Attorney for Defendant

By:



Pg. 15, Ins 21-25, pg. 16, Ins 3-14

Adequate foundation was laid following the question. Any deficiencies remaining go to weight given and not admissibility.

Pg. 17, Ins. 3-35

Adequate foundation was laid following the question. Any deficiencies remaining go to weight given and not admissibility. Any hearsay statements went to foundation, and not offered to prove the truth of the matter asserted.

Pg. 18, Ins. 10-14

Adequate foundation was laid following the question. Any deficiencies remaining go to weight given and not admissibility. Any hearsay statements went to foundation, and not offered to prove the truth of the matter asserted.

Pg. 21

Not hearsay, as not offered for truth of the matter. Offered for state of mind and effect on the listener.

Pg. 22 through ln 12. of pg. 24

Failure to state a valid legal objection. Offered for effect on witnesses state of mind.

Pg. 29

Objection testimony is personal opinion, and in no way a legal conclusion.

Pg. 31 & 32

Not hearsay, as not offered for truth of the matter. Offered for state of mind and effect on the listener.

Pg. 33

Not hearsay, as not offered for truth of the matter. Offered for state of mind and effect on the listener.

Pg 45, Ins 3-25, Pg 46

Witness is describing her difficulty in following the narrative of the conversation, and not offering opinions of Defendant's character. As a result, not improper character evidence.

Pg 47-48

Witness is offering characterization of the phone calls to explain her state of mind. Characterization is not offered as a legal conclusion.

Pg 48-49

Statements of the defendant when offered by the state are not hearsay.

Pg 57-58

Not hearsay, as not offered for truth of the matter. Offered for state of mind and effect on the listener.

Pg. 61

Witness is offering her characterization of her inability to locate her brother, and not offering a legal conclusion.

Pg. 69

Characterizing a desire for an object as being smitten in no way puts the weight of the prosecution behind a witness or statement and does not constitute vouching.

Pg. 73-74

Failure to state a valid legal objection.

Pg. 74

Statements of the defendant are not hearsay. The objected language does not reference what friends said, but rather what defendant said to friends.

Pg. 75

Adequate foundation was laid following the question. Any deficiencies remaining go to weight given and not admissibility. The questioning of the witness that was leading in nature was previously testified to and was foundation for a follow up question.

Pg. 76

The question did not assume facts not in evidence, it asked for an inference from previously stated testimony. As to leading, the question was rephrased.

Pg. 78

The witness indicated she wrote down information- this is not a basis for a legal objection.

Pg 79-80

Not hearsay, as not offered for truth of the matter. Offered to provide context to witnesses statements about then existing state of mind.

Pg 81, Ins 12-25

Failure to state a legal objection.

Pg 86

The State concedes lines 10-23, beginning with "UPS, when they dropped off..." lack admissible foundation.

Pg 90

This is not speculative, as it is a conclusion based on habit or practice.

Pg. 97

This is not speculative, as it is a rational inference based upon previous testimony and limited to the witnesses personal knowledge.

Pg. 100

The state will concede lines 8-10 are speculative.

Pgs 100-101

Not hearsay, as not offered for truth of the matter. Offered as foundation for why she began recording calls.

Pg 141

The state will concede lines 5-10 are leading. The question was rephrased.

Pg. 142

The question was specific in nature, but neither suggested yes or no as the correct response. Thus, it is not a leading question.

Pg. 143

The State concedes lines 11, beginning with "- I think..." through ln. 15 are speculative. As to any undue prejudice, goes to motive.

Pg. 145

The question was not previously asked or answered.

Pg. 146

The witness is addressing her previous statements, and remorse for not having an opportunity to have acted differently in her final experience with her brother. These statements add context to the victim and witnesses relationship and help shape how the jury should view her testimony.

As to striking references to referring to notes, the witness refreshed her recollection. This does not constitute vouching, and the statements should not be stricken.

● ●

**EXHIBIT 1**

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<p style="text-align: center;">SUPERIOR COURT OF ARIZONA COUNTY OF YAVAPAI</p> <p>THE STATE OF ARIZONA,        ) YAVAPAI COUNTY,                ) Case No.                                   PLAINTIFF,    ) P1300CR201600476 VS.                                ) ANTHONY JAMES RICHARDS,        )                                   DEFENDANT.    )</p> <p style="text-align: center;">DEPOSITION OF</p> <p style="text-align: center;">JOAN MARGARET SHATTUCK</p> <p style="text-align: center;">SEPTEMBER 5, 2018</p> <p style="text-align: center;">MURPHYS, CALIFORNIA</p> <p style="text-align: center;">REPORTED BY: DAWN WOOD C.S.R. NO. 3115</p>	<p style="text-align: right;">Page 2</p> <p style="text-align: center;">APPEARANCES:</p> <p>1 2 3 FOR THE STATE 4 YAVAPAI COUNTY ATTORNEY'S OFFICE 5 BY JOSHUA FISHER 6 DEPUTY COUNTY ATTORNEY 7 255 E. GURLEY STREET, STE. 201 8 PRESCOTT, AZ 86301 9 10 FOR DEFENDANT 11 LAW OFFICE OF CRAIG WILLIAMS 12 BY CRAIG WILLIAMS 13 3681 N. ROBERT ROAD 14 PRESCOTT VALLEY, AZ 86312 15 16 17 18 19 20 21 22 23 24 25</p>	
<p style="text-align: right;">Page 3</p> <p>1 INDEX 2 3 STATE'S WITNESS 4 JOAN MARGARET SHATTUCK 5 6 7 EXAMINATION PAGE 8 9 DIRECT BY MR. FISHER: 5 10 CROSS BY MR. WILLIAMS: 107 11 REDIRECT BY MR. FISHER: 140 12 13 14 15 EXHIBIT INDEX 16 17 STATE'S EXHIBITS: 18 NO. DESCRIPTION MARKED EVID 19 1 Audio CD 102 147 20 21 DEFENSE EXHIBITS: 22 1 Photo of gun 139 147 23 2 Five photos 112 117 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 THE VIDEOGRAPHER: We're going on the record. 2 One moment, please. Good morning, this is the 3 videotaped deposition of Joan Shattuck in the case 4 captioned: In the Superior Court of Arizona, Yavapai 5 County, versus Anthony James Richards, case number 6 P1300CR201600476. Today's date is September 5th, 2018, 7 and the time is 10:17 a.m. 8 The deposition is taking place at 1846 9 Lockhart Boulevard, Murphys, California. It's being 10 taken on behalf of the plaintiff. 11 The videographer is Roger Jacobson, appearing 12 on behalf of Central California Video Services, and the 13 reporter is Dawn Wood, appearing on behalf of Central 14 California Reporters. 15 Would counsel please identify yourselves and 16 state whom you represent. 17 MR. FISHER: Joshua Fisher, appearing on 18 behalf of the State. 19 MR. WILLIAMS: My name is Craig Williams, I'm 20 appearing on behalf of Anthony Richards. 21 THE COURT: Would the reporter please swear 22 the witness in. 23 MR. FISHER: And we should also note that 24 your client is appearing via Skype. 25 MR. WILLIAMS: Yes.</p>	

<p style="text-align: right;">Page 5</p> <p>1 MR. FISHER: Along with your investigator.  2 MR. WILLIAMS: Norm Healy, yeah.  3 MR. FISHER: All right.  4 JOAN MARGARET SHATTUCK,  5 called as a witness on behalf of the State, being first  6 duly sworn, was examined and testified as follows:  7 DIRECT EXAMINATION  8 BY MR. FISHER:  9 Q. Ma'am, could you start by stating your full  10 name and spelling your last name for the court reporter?  11 A. Joan Margaret Shattuck. My last name is  12 S-h-a-t-t-u-c-k.  13 Q. All right. And just as a gentle reminder to  14 everyone, the court reporter is taking down our  15 discussion word-for-word, so try to speak, this is more  16 for my benefit, slowly. I'm going to focus on that, and  17 clearly.  18 Try to not talk over each other. Try to keep  19 yeses and nos to yeses and nos, rather than uh-huhs,  20 huh-uhs, the way we might traditionally speak, because  21 sometimes it's difficult to differentiate.  22 That being said, Ms. Shattuck, could you  23 start by telling us a little bit about yourself?  24 A. I'm 63. I was born in Santa Monica,  25 California, lived in my mom's house down there until I</p>	<p style="text-align: right;">Page 6</p> <p>1 was about 18, at which time actually my brother Larry  2 was living up in Bear Valley, and he helped me move  3 myself and my horse up to Bear Valley and -- gosh, I  4 lived there for many years and did some traveling, you  5 know, during my 20s and -- you know, different little  6 adventures here and there.  7 I've had lots of different jobs. I've been a  8 lift operator, housekeeper, I've been a waitress. I've  9 been, let's see, an administrator for a landscape  10 architect. I worked at a flower shop. I worked as a  11 nursery person in a flower nursery, so I've done a lot  12 of stuff, probably more than that.  13 Q. Let's back up a little bit. Do you -- you  14 indicate you lived with your mother; your parents  15 divorced?  16 A. They were divorced when I was about 14.  17 Q. Okay. Do you have any siblings?  18 A. Yes, I have three siblings. I have an older  19 sister, she's the oldest, Laura. She's nine years older  20 than myself. The second down would be Dan, or Dee we  21 call him, and he's a year younger than my sister. And  22 then there's Larry, who's a year younger than him, and  23 then I'm six years below Larry, so --  24 Q. Baby of the family.  25 A. Yeah, way baby. So they all kind of grew up</p>
<p style="text-align: right;">Page 7</p> <p>1 and flew the nest and I was left there.  2 Q. You indicated at one point, I guess when you  3 left home, presumably around 18 or 20, you moved to Bear  4 Valley?  5 A. Yes.  6 Q. And you moved with the assistance of your  7 brother Larry?  8 A. Yes.  9 Q. I'd like to touch more on Larry in a few  10 moments, but let's move on I guess to the present day.  11 You now live here in lovely Murphys,  12 California; is that correct?  13 A. Right.  14 Q. Can be a little tough to find, but it's a  15 beautiful spot once you reach it.  16 A. Right, right.  17 Q. Are you married?  18 A. Yes, I'm married, and my husband had an  19 accident a year ago on his ATV and he now has a spinal  20 cord injury, and he's paralyzed from -- well, his  21 shoulders -- pretty much from below his shoulders down,  22 he can't move his arms or his legs. And so our life has  23 changed pretty radically in the last year.  24 Q. I'm sorry for that. With respect to your  25 husband, is it difficult to travel then?</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Oh, yeah, very.  2 Q. Is that why you've asked to participate in  3 this video deposition?  4 A. Yes. I couldn't travel with him because he  5 needs a Hoyer to be lifted and to be moved into a bed  6 and into the shower chair. And also to find help to  7 stay here, if I were to leave alone, would be pretty  8 difficult because he has some specific to spinal cord  9 injuries. There's -- he's on what's called a BTP, which  10 is a bowel treatment program, which not a lot of  11 caregivers can do, so I have to do that as his primary  12 caregiver, so --  13 Q. And the defense was kind enough to assent to  14 your appearing via --  15 A. Thank you.  16 Q. -- video today. Let's talk a little bit  17 about your brother. Could you give us an idea of who  18 your brother is?  19 A. Yeah. He's -- well, right out the gate, he's  20 very unique. He's not like any other person you've ever  21 met or ever will meet. He's fun-loving and energetic  22 and mostly like -- when I think of him, he's child-like.  23 I might get emotional here.  24 And gosh, he loved -- he loves motorcycles,  25 he loves skiing, he -- he put himself -- when my dad</p>



<p style="text-align: right;">Page 9</p> <p>1 passed away, he took the inheritance that he got from  2 him and he took helicopter flying lessons and he became  3 a helicopter pilot. And he loves outdoors, just  4 anything in nature. He loves sunsets, rivers, rocks,  5 sky, anything. And, you know, he's at his best when  6 he's in nature. That's how I always think of him.  7 In fact, I always try to stay outside with  8 him because like when he's confined in, you know, walls,  9 he seems to kind of get nervous and he -- he could kind  10 of -- be kind of like a wild animal, when you like go to  11 the store or something with him -- not like a wild  12 animal, but it kind of -- his nerves would kind of get  13 up and he'd go, hey, Joan, where are you, if I'm in  14 another aisle.  15 So I kind of avoided going into stores and  16 stuff with him, but he was great guy. We had a great  17 relationship. We've done a lot of stuff, lot of fun  18 stuff through the years.  19 Q. Let me stop you there for a moment.  20 A. Okay.  21 Q. First of all, let me clarify, because you  22 said you had two brothers. When I asked you to tell us  23 about your brother, we were referring to one brother  24 specifically; is that correct?  25 A. Yes, this is Larry.</p>	<p style="text-align: right;">Page 10</p> <p>1 Q. This would be Larry?  2 A. Uh-huh.  3 Q. You indicate Larry had a zest for the  4 outdoors and was kind of -- I guess a live wire?  5 A. Yeah.  6 Q. For lack of a better description.  7 A. Yeah, that's a good description.  8 Q. Is that to say he got along well with  9 everyone?  10 A. No. Some people couldn't handle his energy  11 and he wasn't -- like he didn't have really good social  12 skills, you know, he was just himself and he didn't -- I  13 don't know what it was, but some people just were turned  14 off by him and wouldn't have anything to do with him.  15 Other people, like when you got him and you knew him,  16 you loved him, you loved him to pieces for life.  17 Q. Let's talk a little bit more about that. You  18 said he had some difficulty with social skills. By that  19 what do you mean?  20 A. I don't know, it's hard to describe. He --  21 it's really -- I can't -- I've never been able to pin it  22 down. I can't tell you, I don't know how to describe  23 it.  24 Q. Could you give us some instances where he  25 exhibited some social skills deficiencies?</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Well, like for me, you know, like if we'd go  2 into a store together and I'd be down one aisle and he'd  3 be down another, he'd go, Joan, you know, like call me;  4 oh no, it's Larry in another aisle, that kind of thing,  5 you know. Just -- I mean, not bad or anything, just  6 kind of extra energetic maybe, I guess.  7 Q. Wasn't always I guess adhering to the more  8 social standards?  9 A. Yes, exactly.  10 Q. He could be loud?  11 A. Yes.  12 Q. He could be bolsterous?  13 A. Yeah.  14 Q. And in some ways perhaps even child-like?  15 A. Yeah.  16 Q. He had difficulty controlling those impulses?  17 A. Yeah, in social situations, exactly, right.  18 Q. Now, what about your relationship with him,  19 could you give us a little bit of insight into that;  20 were you close?  21 A. We were close, close -- great. The only time  22 -- there was just like about three or four years,  23 somewhere around there, before he went missing, he would  24 come over here several times a week and we'd visit and  25 he'd talk to me about Christianity and what's going on</p>	<p style="text-align: right;">Page 12</p> <p>1 in his life.  2 And I was -- he called me up -- and if he  3 wasn't here, he would call me almost every day. And he  4 was on the phone with me one day and I said, hey, I'm  5 going to go over to Sonora, go to the store, and  6 whatever, and he said -- I knew he was going to say it,  7 and he goes, oh, can I come along, which is what he did,  8 you know. Whenever I went somewhere, I would either  9 bring him along or I'd pick up something for him and  10 save a trip to the store, save, you know, fuel is how he  11 would say it.  12 And so that day I said -- I said, you're an  13 opportunist, Larry. And I don't know why I said it, I  14 never ever said anything like that before, but that day  15 I just -- I knew he was going to invite himself along,  16 which usually is no problem, but that day I said it.  17 And literally, I mean, that's the only time I  18 can think of that I've ever not really gotten along with  19 Larry, and it won't -- only because he was hurt by what  20 I said and he hung up on me.  21 And I felt really, really, really bad that I  22 said it. I instantly regretted it because I didn't  23 realize, you know, it would hurt him so bad. I didn't  24 mean it for that reason.  25 But anyway, since then he didn't talk to me</p>

I certify this is a true copy of the  
record in the  
MOTOR VEHICLE DIVISION  
ARIZONA DEPARTMENT OF TRANSPORTATION

JAN 29 2020

By: *Jacquelyn Gentner*  
FOR RECORD ONLY

1 and I didn't call him, he didn't call me, and then like  
 2 I was telling you earlier, weeks turned into years and  
 3 we just hadn't talked. But prior to that, we'd done  
 4 great stuff together. We went skiing together, he  
 5 taught me how to ski. He taught me how to change the  
 6 valves in my Volkswagen and change the oil, and he  
 7 helped me, like I say, move up from L.A. to Bear Valley.  
 8 Trailered my horse, we rented a horse trailer and he  
 9 drove the horse trailer and I was behind him. It was  
 10 probably, I don't know, 12, 14-hour ride because with  
 11 the horse trailer you have to go slow and -- I mean,  
 12 he's done great things for me and --

13 Q. Let me stop you there for a moment because  
 14 you've given us a lot of information and I just want to  
 15 go back a little bit and go over that some more. You  
 16 indicate that this falling out, I guess, that led to the  
 17 distance between the two of you in the last years of his  
 18 life, that originated based on a statement that you  
 19 made?

20 A. Yes.

21 Q. And you had indicated you didn't know why you  
 22 said that?

23 A. I really -- it just came out, it's just --  
 24 just a fact. I guess I was just -- yeah, I don't know  
 25 why, just sometimes we say things.

1 time together. We'd hike together, we'd do a lot of  
 2 stuff together.

3 Q. Now, when you say something like an  
 4 opportunist, are you taking into account -- well, let me  
 5 back up, let me rephrase that. You are taking into  
 6 account his personal behavior for a period of time,  
 7 correct?

8 A. Right.

9 Q. And by that I mean, there had been many times  
 10 where he hitched a ride?

11 A. Yeah.

12 Q. And on that day when he caught you in that  
 13 mood, you felt like he was --

14 A. It was just another --

15 Q. You felt like he was always trying to take an  
 16 advantage?

17 A. Yeah, I was just pointing it out, that --  
 18 yeah, this is kind of the way it was and normal -- I  
 19 mean, it never really bothered me. Normally I was happy  
 20 to have him along.

21 Q. Is part of the reason why you said that  
 22 because you believed Larry to be kind of frugal?

23 A. Oh, absolutely. That's why he would often,  
 24 you know, come along or hitch a ride so he didn't have  
 25 to spend his fuel, spend gas money. He called it fuel,

1 Q. And what was the statement specifically?

2 A. It was -- all of a sudden my mind just  
 3 stopped. It was, "You're an opportunist."

4 Q. Opportunist.

5 A. Yeah.

6 Q. And by that, did you mean he was freeloading  
 7 or taking advantage of your largesse?

8 A. All I meant -- all I was really referring to  
 9 is like every time I'm going to go do something, you  
 10 know, he would like hitch a ride along, which -- and  
 11 that's why, I mean, it wasn't really meant to be a bad  
 12 thing, it was just -- you know, he would like, hey, can  
 13 you pick up some bread for me or this or that, not -- it  
 14 wasn't really all that terrible, but I just said it that  
 15 day.

16 Q. Caught you on the wrong day?

17 A. Caught me on the wrong day, exactly what had  
 18 happened.

19 Q. Because to be fair, it sounds like he had  
 20 done quite a bit for you prior to that?

21 A. Yeah, oh, yeah, you know, he'd -- we'd have  
 22 him over for every holiday and we were close. He was  
 23 close with my kids, he rode motorcycles with my son. He  
 24 was -- he'd get my daughter into Corvettes and we were  
 25 all very close. And Larry and I have spent a lot of

1 or, you know, drive himself over, yeah. He definitely  
 2 -- absolutely.

3 Q. Could you give us a little bit better  
 4 understanding of his lifestyle, how he spent money, how  
 5 he didn't spend money, that type of thing?

6 A. He --

7 MR. WILLIAMS: I'm just going to object as to  
 8 foundation. We'll go from there.

9 Q. BY MR. FISHER: Let me ask this before we get  
 10 to that question.

11 A. Sure.

12 Q. Did you have an idea of Larry's personal  
 13 finances?

14 A. Not detail, but in general, I guess, you  
 15 know. I mean, he didn't work consistently, he was a  
 16 contractor -- well, at the end he was a contractor, but  
 17 he was a carpenter most all of his life, that was his  
 18 main income he got from carpentry.

19 And in carpentry work, especially up here  
 20 where we live, you know, you go from job to job;  
 21 sometimes a job lasts two weeks, sometimes it will last  
 22 two months, and then you're off until the next job.

23 And I -- anyway, he didn't necessarily work  
 24 for one specific contractor, he had lots -- in fact,  
 25 lots of the people he and I both knew were in the

1 contracting business. My ex was a contractor, too, so,  
2 you know, someone would call him up, hey, I've got a  
3 job, and he'd do that. So he really never made a lot of  
4 money at any one time, he was always frugal. He --

5 Q. You say he was always frugal, let me stop you  
6 there.

7 A. Uh-huh.

8 Q. What leads you to believe that?

9 A. Well, just starting out his life up in Bear  
10 Valley. When he bought his first little cabin, his  
11 little cabin, he -- he actually would contact the owners  
12 of the cabin. He contacted the owners by looking at the  
13 paperwork at the county and he said, you know, would you  
14 be interested in selling your cabin, you know, just --

15 MR. WILLIAMS: I'm going to object again as  
16 to foundation and hearsay.

17 THE WITNESS: Oh, okay.

18 Q. BY MR. FISHER: Keep talking.

19 A. So he just -- he arranged it with them and he  
20 just bought it on time very slowly and just paid cash  
21 and didn't involve realtors because again, he didn't  
22 want to spend the money on a realtor, he'd rather just  
23 deal with the owner. And he did this, I believe, with  
24 every property he ever bought, just for one, and he  
25 would do it -- I mean, Larry, he had a solar shower

1 around when he was contemplating major purchases or  
2 executing major purchases, aside from the real estate?

3 A. The major purchases -- those would be the  
4 ones I was aware of, because he would get excited about  
5 property and tell me and show me, and, you know, this is  
6 where I'm going to buy. And other than that, like I  
7 guess the next major purchase would be vehicles, and he  
8 worked on all his own vehicles. He just kept them  
9 going. So he didn't buy many vehicles. I mean, when  
10 one -- he had a Volkswagen bus and then something -- he  
11 worked on that forever and then he finally decided I'm  
12 done with that because it will go really slow up hill  
13 and stuff, and he got -- I think he got his '56 truck  
14 then.

15 I'm not totally sure exactly what vehicle  
16 came before what, and then he still had that, so he  
17 really has only had three vehicles; and no other major  
18 purchases. No other major purchases, and yes, if he was  
19 going to buy something, he would usually talk to  
20 everybody about it, going, you know, should I do this,  
21 I'm really not sure, whatever, but --

22 Q. He'd voice those types of concerns to you?

23 A. Yeah.

24 Q. All right. And based upon all of that, did  
25 you believe he led a rather frugal lifestyle?

1 outside so he wouldn't have to have hot water heater and  
2 he -- when we lived in Bear Valley, he would coast his  
3 Volkswagen bus all the way down from Bear Valley to  
4 Arnold to save gas, literally.

5 Q. And you would see this firsthand?

6 A. Oh, yeah, I'd be riding with him. We'd be  
7 coasting down.

8 Q. And he'd just shut the engine off and shalom  
9 down, huh?

10 A. Yeah, absolutely. And I'm sure a lot of his  
11 friends know about it, too. And he -- like he wouldn't  
12 put toilet paper in his septic --

13 (Reporter stopped proceedings to clarify.)

14 THE WITNESS: He wouldn't put toilet paper  
15 into his septic, you know, down the toilet, he'd use a  
16 bag on the side so that he -- you know, conserve on  
17 pumping his septic tank.

18 He wore his clothes until they were ragged,  
19 you know, he never spent a lot of money on clothes. And  
20 we would give him Randy's old T-shirts and he'd gladly  
21 accept them, you know.

22 What else? There's a million things that he  
23 did that we all loved about him. Let's see. Gosh.  
24 Well, there's more, but I can't think of it right now.

25 Q. What about major purchases, were you ever

1 A. Absolutely, yeah.

2 Q. Let's talk about his interest in mining.  
3 When did that occur?

4 A. Now, I'm not really sure when he started  
5 getting into it, but it was -- it was before we had our  
6 little --

7 Q. Falling out?

8 A. Yeah. He was coming over and he was talking,  
9 he says, I've got the fever, you know, the gold fever,  
10 and so I know it started then, around then. And if that  
11 was three or four years before he went missing, so that  
12 was like what, three -- you know, 2003 or so. I'm not  
13 sure exactly when he started, but he started telling me  
14 about it around then.

15 Q. Sometime around 2003, 2004, he indicated to  
16 you, at least, he had gold fever?

17 A. Yes.

18 Q. And this is the right area for it, right?

19 A. Yeah, it sure is.

20 Q. El Dorado County and Calaveras County, Amador  
21 County, they're all kind of --

22 A. Gold country, yeah.

23 Q. Fair enough.

24 A. Yeah, that's what it's called up here.

25 Q. And you indicated -- you've referenced it a

Page 21

1 couple of times that at some point you came to believe  
 2 Larry was missing?  
 3 A. Uh-huh.  
 4 Q. Can you walk us through that process --  
 5 A. Yeah.  
 6 Q. -- how you reached that conclusion?  
 7 A. I -- in early April of 2007, I got a call  
 8 from Larry's neighbor who lives across the street from  
 9 him, and she used to be my boss, actually. And she  
 10 said, hey, you know --  
 11 MR. WILLIAMS: I'm going to object to  
 12 hearsay.  
 13 Q. BY MR. FISHER: Keep talking.  
 14 A. Okay. So Greg is her husband, her name is  
 15 Darlene, and she says, we haven't seen Larry lately.  
 16 His yard has not been weedeated and his flag is out.  
 17 And the reason that concerned them is that Larry  
 18 religiously put his flag in at night, he was very, very  
 19 patriotic, and that's one of the things he did out of  
 20 respect for his country.  
 21 Q. Now, when you say that, is that based on  
 22 personal knowledge?  
 23 A. Yes.  
 24 Q. So you'd seen him bring his flag in every  
 25 night as well?

Page 23

1 I knew that she had a legitimate reason to be concerned  
 2 because he did -- you know, he would weedeat his yard in  
 3 the spring and he'd put his flag away every night. So I  
 4 drove over there to his house, it's only a mile or so  
 5 from here, and I went over there.  
 6 And all his vehicles were there. And I just  
 7 kind of looked around. His front door was locked. His  
 8 garage, there's a door that you walk in, a regular  
 9 people door, and then there's the garage door, you know,  
 10 where you put your cars in there.  
 11 And I noticed the garage door was open. And  
 12 I thought it's weird that his house was locked -- well  
 13 -- when he went -- like when he went to town or  
 14 whatever, he wouldn't lock his doors, just -- if he was  
 15 like going away for a while, because -- which is none of  
 16 us do that around here. I shouldn't say that, should I?  
 17 But anyway, we do now, actually, but we didn't back  
 18 then, back in the day. So I figured he was gone  
 19 somewhere, he was clearly not home, and I didn't --  
 20 yeah.  
 21 Q. At this point you hadn't spoken to Larry in  
 22 some time; is that correct?  
 23 A. Right.  
 24 Q. Do you have any idea why the neighbor would  
 25 contact you -- did you know the neighbor personally?

Page 22

1 A. Oh, yeah, absolutely.  
 2 Q. Was he a prior service member?  
 3 A. He was in the Naval Reserves, that was it.  
 4 Q. And are you aware whether it's -- you  
 5 indicated it's a tradition to bring a flag in at night?  
 6 A. Uh-huh.  
 7 Q. Unless that flag has a light shining upon it?  
 8 A. Uh-huh. There was no light on it.  
 9 MR. WILLIAMS: Objection to the leading  
 10 questions and relevance of whether or not he brought his  
 11 flag in or whether he was patriotic. Thank you.  
 12 Q. BY MR. FISHER: So you knew him as a man who  
 13 would bring his flag in?  
 14 A. Yes.  
 15 Q. And you knew that because you believed him to  
 16 be patriotic?  
 17 A. Absolutely.  
 18 Q. And he was religious, for lack of a better  
 19 description, about bringing that flag in?  
 20 A. Yes.  
 21 Q. So you received a call indicating the flag  
 22 hadn't been brought in for some time?  
 23 A. Right.  
 24 Q. And how did that strike you?  
 25 A. I was concerned. Well, that's -- right away

Page 24

1 A. Yes, she was -- she was my boss prior to that  
 2 time.  
 3 Q. And -- apologize for interrupting.  
 4 A. No, no.  
 5 Q. She was a friend of Larry's and of yours?  
 6 A. Yes.  
 7 Q. She knew the two of you were related?  
 8 A. Right.  
 9 Q. So you traveled over to his house. Was that  
 10 awkward for you?  
 11 A. To travel over there?  
 12 Q. Yeah. You haven't spoken in four years.  
 13 A. Oh, no, no, no. You know, just because we  
 14 didn't speak, I figured any day he was going to like pop  
 15 up and come over. That's what -- that's how it seemed  
 16 to last for so long, because he just never showed up.  
 17 It was like -- I just kept expecting him, it wasn't any  
 18 different, I didn't feel awkward around him, and -- you  
 19 know, I just -- I just knew that he had been mad at me  
 20 and he wasn't talking to me for a while. So no, it  
 21 wasn't awkward at all, it was just like I was going over  
 22 to see if Larry was okay. And no, it wasn't awkward.  
 23 It was only awkward that he wasn't there.  
 24 And so I wasn't sure and I thought well, he's probably  
 25 just somewhere. Because he had friends in Santa Cruz,

Page 25

1 he's got friends in Tahoe, you know. He's working on a  
 2 place in Valley Springs, and he has a place in Bear  
 3 Valley that's rented, though, but he has friends up  
 4 there. So I figured okay, he's just somewhere. Didn't  
 5 know -- have any idea where, I just thought he was away  
 6 and everything was okay.

7 So I -- I just came home, I looked around,  
 8 looked around the whole yard, hiked around his property,  
 9 it's five acres, and didn't see anything unusual or  
 10 anything, so --

11 Q. Let's back up a little bit there. Prior to I  
 12 guess the break in communication between the two of you.

13 A. Uh-huh.

14 Q. Did you know Larry to travel a lot?

15 A. Not a lot. I mean, he wouldn't -- he's been  
 16 to Hawaii. My sister gave him a ticket and they went to  
 17 Hawaii -- he went to Hawaii when she was living there.  
 18 That was a big deal for him, but he really didn't travel  
 19 too much, I mean, other than to go to these couple other  
 20 places and maybe see a friend, you know, in Tahoe for a  
 21 day or whatever, but he wasn't a big traveller, I  
 22 wouldn't say.

23 Q. At this point when you arrived at his  
 24 property, didn't see him there, you saw the garage open  
 25 and the flag still out, were you concerned?

Page 27

1 and his trucks were still home, yeah.

2 Q. Was there a map on the hood of the vehicle?

3 A. I'm not sure if that particular time I  
 4 noticed the map or the next time I was there, but there  
 5 was a map -- when we opened up the garage door, a map  
 6 sitting on the hood of his Corvette, which was on blocks  
 7 because he was working on it.

8 Q. Do you -- do you remember what the map was  
 9 for, the area that --

10 A. Yeah, the map was -- I didn't know it at the  
 11 time, I had no idea what it was. It was big, it was a  
 12 big map, and it turns out that after I came home and  
 13 started looking it up, went on-line and stuff like this,  
 14 and on-line back then wasn't like it is today. I had  
 15 to, you know, like I had to join a map club to get  
 16 somebody to, you know, help me figure out where this map  
 17 was at.

18 But there were also coordinates written on it  
 19 in pencil, and it was Larry's writing and I thought  
 20 well, let's figure out what that is.

21 So when we did that, it turns out that those  
 22 coordinates ended up being the Coors Mine -- Coors Well  
 23 Mine Claim.

24 Q. And where was that located?

25 A. In Bagdad, Arizona.

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1 A. The garage door was closed, but it was  
 2 unlocked, that's what I mean.

3 Q. And I apologize, I was using open as  
 4 unlocked.

5 A. Oh, okay, so you know, I didn't know.

6 Q. Sometimes we just use, you know, specific  
 7 vernacular, and I don't mean to confuse the issue,  
 8 you're right. By that I mean unlocked?

9 A. Yeah.

10 Q. The flag was raised?

11 A. Yes.

12 Q. Was that unusual, based on your previous  
 13 experience with Larry?

14 A. Yes. That's -- I didn't like that part, that  
 15 felt odd, that -- especially the garage, especially the  
 16 flag, I thought this is unusual. Well, he must have  
 17 left in a hurry and just forgot it. That's all that  
 18 went through my mind.

19 Q. Now, you looked around the property, you  
 20 indicated. Did you see any of his vehicles there?

21 A. Yes, all his vehicles were there.

22 Q. All right. So was that unusual to see --

23 A. Yeah.

24 Q. -- his vehicles there?

25 A. That was a little unusual that he was away

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1 Q. I know you're jumping ahead in the narrative  
 2 a bit, but you indicate you saw these coordinates  
 3 written in what appeared to be Larry's handwriting?

4 A. Yes.

5 Q. Had you had an opportunity to see Larry's  
 6 handwriting previously?

7 A. Oh, yeah.

8 Q. Based on your prior experience, it appeared  
 9 to be the same handwriting?

10 A. Yes.

11 Q. Did you lock the garage before you left on  
 12 that occasion?

13 A. I believe I did, and that's how I -- I  
 14 decided that this is -- it was either that one or the  
 15 next, again, I'm mixed up on whether it was the first  
 16 time I went or the second time, but one of the two I  
 17 went in and I thought well, I better lock this because  
 18 it's open, and so I closed it, but what I noticed --  
 19 let's see.

20 The handle inside the garage door, because  
 21 you have to close it from the inside, he would have to  
 22 close it from the inside and then walk out the people  
 23 door, for lack of a better word.

24 Q. It's an exterior door.

25 A. Exterior door, thank you. And so I noticed

1 that the lock inside where you pull it down and you push  
 2 it in the hole, it had been like -- as if someone tried  
 3 to lock it. It was halfway locked. And that was --  
 4 whether if it was that day or the next time I went down,  
 5 that really bothered me tremendously because I know  
 6 Larry knows how to lock his garage door, and he would  
 7 have closed the door from the inside and he would have  
 8 done the latch, and he would have made sure his latch  
 9 was closed, because this is his door, he knows how it's  
 10 going to work, you know, just like we all kind of know  
 11 our locks and, you know, some doors are funky and some  
 12 aren't.

13 And so that really -- that was when I got  
 14 actually bothered because I thought someone else tried  
 15 to close this door, in my mind that's what I thought,  
 16 someone else tried -- thought this door was locked when  
 17 they walked away from here, and it wasn't Larry. That  
 18 was my instant feeling.

19 Q. Let's discuss, I guess, continuing with your  
 20 narrative.

21 MR. WILLIAMS: I'm going to object to the  
 22 conclusion -- I'll follow up on it in a bit, but the  
 23 conclusion that it had to have been someone else other  
 24 than Larry, I'm going to object to that because I don't  
 25 think there's any foundation for it. Thank you.

1 And then he and his wife and family moved to  
 2 Tahoe where he built homes and went into construction,  
 3 really high quality beautiful homes. Anyway, they  
 4 stayed in touch and they were talking on a regular  
 5 basis. And his name is Mike Curtin. And he called me  
 6 and he said, hey, I'm concerned about Larry because we  
 7 used to talk every day and I haven't heard from him for  
 8 a couple months now, and I called over there and I get  
 9 no answer. And after that call, I really became worried  
 10 because I was like okay, this -- something is going on  
 11 here.

12 So I went back over to Larry's again. And  
 13 again, that second time, I'm not sure that's when the  
 14 garage thing happened. I think it happened on the first  
 15 visit, but I'm not positive. But anyway -- yeah. And I  
 16 went over there and looked again and he wasn't there.

17 So I believe on that trip I bumped into  
 18 Darlene, the girl who had first called and notified me  
 19 about Larry missing, she was out on the road. And maybe  
 20 -- I think she heard me down there, and bumped into  
 21 Darlene and -- let's see. I forgot what I was going to  
 22 say. Back and forth.

23 So let's see what happened. So I told  
 24 Darlene that Larry might be missing. And I got home and  
 25 I called my sister in Hawaii because I thought well,

1 Q. BY MR. FISHER: So you indicate on this  
 2 particular -- this first occasion where you visited his  
 3 property, you observed his vehicles still on the  
 4 premises?

5 A. Yes.

6 Q. The garage door was unlocked, the exterior  
 7 door, and the flag was still raised?

8 A. Yes.

9 Q. So you were disquieted by some of those  
 10 things but believed he could just be off --

11 A. Yes.

12 Q. -- visiting friends?

13 A. Yes.

14 Q. What happened next, did you subsequently come  
 15 back to that property?

16 A. Yes. Well, I went home and I made a couple  
 17 calls, you know, through the next couple weeks over  
 18 there to him to see if he'd answer the phone; got no  
 19 answer. And I believe it was about a month or so later,  
 20 somewhere around a month or less, give or take, I got a  
 21 phone call from another friend of Larry's who lives in  
 22 Tahoe, Lake Tahoe. He's a close friend, he's in fact --  
 23 gosh, he grew up in L.A. with him, he's the one who  
 24 lived in Bear Valley who said, Larry, come move to Bear  
 25 Valley. He's a ski instructor.

1 maybe Laura knows what's going on. Now I was concerned.  
 2 I have two people calling me out of the blue saying that  
 3 Larry is missing. So I called my sister in Hawaii to  
 4 see if she's heard from him or knows what's going on,  
 5 and she said Larry called her --

6 MR. WILLIAMS: Objection to hearsay --  
 7 actually two hearsays; the hearsay of Darlene and then  
 8 the hearsay to the sister or whatever the sister said.  
 9 Thank you.

10 THE WITNESS: Okay. She said -- my sister  
 11 said she spoke with Larry, he called her on his  
 12 birthday, which was March 30th. And by now it's like,  
 13 what, June -- near the end of June, middle to end of  
 14 June. And Larry had called her and she told me that he  
 15 said he was going to go on a gold prospecting trip with  
 16 Anthony. My sister doesn't know who Anthony is, but she  
 17 brought up the name.

18 And I said okay, Anthony Richards, I think,  
 19 but I don't know, Anthony so -- I assumed Anthony  
 20 Richards. So I got off the phone, I looked up Anthony's  
 21 number, I don't know exactly how I found it, but I had  
 22 Anthony's number somehow -- oh, maybe -- I'm not sure.

23 So I called Anthony and there was not an  
 24 answer. And then the next morning I actually got a call  
 25 from Shelley, who's a neighbor of Larry's on the --

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1 next-door neighbor, because she had bumped into Darlene  
 2 and talked to Darlene. And Shelley offered her help to  
 3 me, she says, well, if anything is going on, you know --  
 4 MR. WILLIAMS: Objection to hearsay.  
 5 THE WITNESS: And so I -- let's see, so --  
 6 oh, yeah, so the next morning I called Anthony's home  
 7 again and no answer. And I left a message this time.  
 8 And he called me back in -- a few hours later that  
 9 morning, and we -- I expect -- and I was going to ask  
 10 him, hey, what about this trip, what happened, do you  
 11 know anything about Larry? I expected to speak to him  
 12 literally for about ten minutes at the most, and we were  
 13 on the phone for, I believe it was three hours or  
 14 something, two hours, almost three hours, somewhere  
 15 around there. Long time.  
 16 Q. BY MR. FISHER: Let me stop you there for a  
 17 moment, I'd like to back up a bit; so just to make sure  
 18 we have kind of the time line in order.  
 19 A. Okay.  
 20 Q. We find ourselves now in 2007, correct?  
 21 A. Right.  
 22 Q. And the first phone call you received  
 23 indicating Larry seemed to be missing was from a  
 24 neighbor, although not a next-door neighbor?  
 25 A. Across the street.

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1 Q. Was the garage still locked? You -- if you  
 2 recall?  
 3 A. If I had locked it that time. Gosh, I'm just  
 4 so not sure. Why am I not getting it right? There --  
 5 Q. Probably because --  
 6 A. -- was the first time or second time.  
 7 Q. It was eleven years ago, we'll give you a  
 8 little bit of a break.  
 9 A. Yes. If I had locked it the first time, it  
 10 was locked, unless that second time is when I discovered  
 11 it and then I locked it.  
 12 Q. Now, did you have keys to Larry's home?  
 13 A. I did not.  
 14 Q. Okay. So you couldn't enter the home to look  
 15 around?  
 16 A. Right.  
 17 Q. But at this point you've returned, you've  
 18 walked the perimeter again?  
 19 A. Yes.  
 20 Q. Were the same vehicles there on the second  
 21 occasion?  
 22 A. Yes, yes.  
 23 Q. Was there anything there that gave you the  
 24 impression he had returned in between your visits?  
 25 A. No. Everything was the same.

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1 Q. Okay. And that was somebody who you'd worked  
 2 with previously?  
 3 A. Yep.  
 4 Q. And who knew your relationship?  
 5 A. Yep.  
 6 Q. At that point you went over to Larry's home.  
 7 What month do you believe that was of 2007, if you  
 8 recall?  
 9 A. Okay, that was in April, April -- the end of  
 10 April.  
 11 Q. Okay. So --  
 12 A. That first call was the end of April,  
 13 sometime at the end of April.  
 14 Q. Late April, you've now visited his home. You  
 15 say about a month passed before you went back a second  
 16 time?  
 17 A. Right. So it was June, middle to the end of  
 18 June, end of June, I guess you would say.  
 19 Q. Okay. So that would be about two months  
 20 after the phone -- the first phone call, correct?  
 21 A. Oh, wait a minute. Yeah, I guess so.  
 22 Q. Okay. And after that second phone call, you  
 23 went back yet again, looked around the property.  
 24 Was the flag still raised?  
 25 A. Yes.

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1 Q. Now, you indicate at this point you've become  
 2 fairly concerned of his absence.  
 3 A. Uh-huh.  
 4 Q. And you began reaching out to other family  
 5 members.  
 6 A. Right. After the second call from Mike  
 7 Curtin, or the second call in general, first call from  
 8 Mike, yes, then I called my sister.  
 9 Q. And your sister, if I recall correctly, is  
 10 the oldest of your siblings?  
 11 A. Uh-huh.  
 12 Q. Do you know what type of relationship she had  
 13 with Larry?  
 14 A. It was good, it was good.  
 15 Q. Were they still talking, to the best of your  
 16 knowledge?  
 17 A. Yeah, uh-huh, yes.  
 18 Q. Did they talk often? I know you said she  
 19 lived in Hawaii.  
 20 A. They talked occasionally, like on birthdays  
 21 and holidays or -- you know, just randomly. I would  
 22 say, I don't know, kind of like we did, my sister and I,  
 23 maybe, oh, I don't know, six times a year or something,  
 24 you know, here and there.  
 25 Q. But she indicated she had talked to him on



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1 his birthday?

2 A. Yes.

3 Q. Which would have been the end of March?

4 A. Right.

5 Q. And at that point she believed he was taking

6 a trip to Arizona?

7 A. Yes.

8 Q. And she indicated to you it was with a

9 gentleman named Anthony?

10 A. Yes.

11 Q. Did you know Anthony?

12 A. Yes.

13 Q. Could you describe for us how you met

14 Anthony?

15 A. Well, Larry worked at the -- or Anthony

16 worked at the PG&E helicopter pad. He would -- used to

17 do mechanic work on helicopters for PG&E, and Larry

18 would go down to the pad, right down the road here,

19 because he knew the pilot and he liked to hang out and

20 talk with Vern. And he met Anthony there, I believe,

21 I'm pretty sure.

22 And then my son, who was like just starting

23 high school about then, I'm not exactly sure, I believe

24 that's about -- he was like maybe 14, so started getting

25 into remote control cars. Of course, we gave him a

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1 Larry -- or excuse me, did you talk to Anthony?

2 A. Anthony? Not many. Not many. I don't know

3 if he came out to the house here another time. He may

4 have come out here twice, I'm not sure. And I know

5 there was a time when I went out to his house with his

6 girlfriend, at some point I met his girlfriend, maybe at

7 -- where we -- they would fly their remote control

8 airplanes and stuff, and I know I went out to his place

9 once there.

10 And again, that was very brief. I think that

11 was -- I really don't remember, I may have been dropping

12 off his girlfriend, but I got to know her on the ride.

13 For some reason I was giving her a ride home, I don't

14 remember how or why, I just remember doing that. And

15 she was a nice girl and that's -- we didn't have a real

16 -- you know, that tight relationship as far as spending

17 a lot of time together. I just kind of new of him and

18 he's a friend of Bay's, so that was it.

19 Q. So you were cordial to him, but you wouldn't

20 say you were friends?

21 A. Well, yeah, right, that's a good way to put

22 it.

23 MR. WILLIAMS: Excuse me, when you say "his,"

24 do you mean Larry's or do you mean Anthony's girlfriend?

25 THE WITNESS: Anthony's girlfriend.

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1 remote control airplane, and Larry connected Anthony

2 Richards with my son because Anthony flew remote control

3 airplanes and stuff, and so Anthony offered to teach my

4 son how to fly and stuff.

5 So he came over here a couple times to pick

6 up Bay and take him down to Melones or wherever they'd

7 go to fly, and that's where I'm pretty sure I met him.

8 Q. Okay.

9 A. There at the house.

10 Q. When you first met Anthony Richards, could

11 you describe how he appeared to you, what kind of

12 relationship you had?

13 A. Fine. He seemed like a regular guy. I

14 thought it was pretty cool that he was willing to, you

15 know, teach my son how to do this, and he seemed just

16 happy to spend time with my son Bay and just seemed like

17 an average guy. We didn't spend a lot of time together,

18 it was real brief. I think our meeting was just out in

19 the yard when he first came to pick up Bay.

20 Q. That initial conversation, was it just a few

21 moments in duration or was it --

22 A. Yeah, it was short, maybe five minutes, maybe

23 ten, if that, you know, which we talked about where they

24 were going, what they were going to do.

25 Q. How many times subsequently did you talk to

Page 40

1 MR. WILLIAMS: Thank you.

2 THE WITNESS: Sorry.

3 MR. FISHER: Thank you for clarifying.

4 Q. BY MR. FISHER: With respect to these

5 meetings with Anthony and your son, they would have

6 taken place prior to the break in communication with

7 Larry; is that correct?

8 A. Yeah.

9 Q. So we're talking about maybe 2003?

10 A. Yeah, I'm not sure what dates, but definitely

11 prior.

12 Q. And --

13 A. Well, my son was in -- so he's like a

14 freshman, so let's see. '78, '88; maybe around 1990 or

15 so.

16 Q. So quite a time prior to the break in

17 communication?

18 A. Yeah.

19 Q. So 12, 13 years prior to your stopping

20 talking with Larry?

21 A. I think so.

22 Q. So during that period of time, that decade

23 plus where I guess Anthony Richards had entered your

24 life, did you have any other conversations with him, or

25 was it simply limited to these few interactions?

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1 A. Yeah, no. Then at one point after I got  
 2 divorced, I sold one of my horses to his girlfriend, and  
 3 so we had that in common. They came up to pick up the  
 4 horse and then I was working at the nursery, it's kind  
 5 of right connected to the feed store, so he and his  
 6 girlfriend, or one or the other, would come in to buy  
 7 stuff for the horse.

8 And I would hear from either of them -- I  
 9 would ask how the horse is doing, and so I would hear,  
 10 you know, details about how it was going with their new  
 11 horse, my horse, and so that was pretty much the extent  
 12 of it.

13 So it was just those different times I've  
 14 mentioned that we've communicated. But I would see them  
 15 in the feed store maybe, I'm going to guess -- how many  
 16 times did they come in? About five times that I talked  
 17 to them maybe in the feed store, one or the other of  
 18 them.

19 Q. So prior to 2007, could you estimate for us  
 20 the last time you either saw Anthony Richards or talked  
 21 to him?

22 A. It would probably have been at the feed  
 23 store.

24 Q. Okay. And again, approximately how many  
 25 years prior?

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1 Q. And that would have been in early April?  
 2 A. Right.

3 Q. Out to Arizona?  
 4 A. (Witness nods head.)

5 Q. Given that that was the most recent that  
 6 anyone was believed to have seen Larry, did you then try  
 7 to contact Anthony?

8 A. Yes, after the phone call -- after the phone  
 9 call from Mike?

10 Q. Yes.  
 11 A. Yes.

12 Q. So you'd spoken to some other neighbors,  
 13 we've covered that. I'm just kind of getting back to  
 14 the phone calls so we know where we're at.

15 A. Okay.

16 Q. We've covered a lot of ground, I apologize.  
 17 A. No.

18 Q. You've been out to the house on two  
 19 occasions, you talked to multiple people, you've now  
 20 talked to your sister.

21 A. Right.

22 Q. And at this point you decide you want to talk  
 23 to Mr. Richards?

24 A. Yes.

25 Q. Again, you're just at this point trying to

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1 A. How many years prior. Oh, wow. Let's see.  
 2 I can guess.

3 Q. That's fine.

4 A. Okay, I'm going to guess like -- I don't  
 5 know, I'm going to say like four years.

6 Q. Okay. So maybe 1999?  
 7 A. Yeah, maybe.

8 Q. Some time in that area?  
 9 A. Maybe, can't really say for sure. I honestly  
 10 don't know.

11 Q. So it's fair to say that in 2007, you didn't  
 12 have his phone number handy?

13 A. Right. I mean, I keep -- I keep everything,  
 14 so I had it somewhere in the house, but I -- it's not  
 15 like I'm calling him. You mean Anthony?

16 Q. Yeah.  
 17 A. Right, no.

18 Q. It's not a number you used regularly?  
 19 A. No, but --

20 Q. Prior to 2007, what was, would you estimate,  
 21 the longest conversation you had with Mr. Richards?

22 A. Probably ten minutes.

23 Q. Okay. So at this point you've come under the  
 24 impression that he was taking a trip with Larry?  
 25 A. Right.

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1 locate your brother?  
 2 A. Right.

3 Q. You find Mr. Richards' number, presumably,  
 4 and you indicated you made a couple of attempts to  
 5 finally leave him a message.

6 Did he then call you back?  
 7 A. Yes, he did.

8 Q. And did he identify himself as Anthony  
 9 Richards when he called you?

10 A. Uh-huh.

11 Q. Did you recognize his voice?  
 12 A. Yes.

13 Q. And you indicate you had what was then an  
 14 hour's long phone call?

15 A. Couple hours, yeah.

16 Q. You were expecting a five- to ten-minute  
 17 phone call?

18 A. Uh-huh.

19 Q. Was that unusual to you?  
 20 A. Very.

21 Q. Why?  
 22 A. Because -- well, when I first called, I just  
 23 said, you know, I'm just wondering, I heard that you  
 24 guys went on a trip together, I -- and I was just kind  
 25 of wondering, my sister wanted to get ahold of my

<p style="text-align: right;">Page 45</p> <p>1 brother, she's getting married and I can't -- you know,  2 we can't -- we haven't seen him for a long time.  3 So this conversation went all over the board.  4 He started talking about everything he and Larry had  5 done. He pretty much started at his trip with my  6 brother in January and February of 2007. And I could  7 not even decipher what he was saying because he would --  8 he would say, well, we did such and such, and then he'd  9 say, we did such and such in Oregon, and then we did  10 such and such, and then I thought well, that's -- that's  11 in Arizona, and so I literally couldn't figure out what  12 he was really telling me in a, you know, chronological  13 type order. So that was odd because just -- just the  14 way he was talking was odd.  15 And then second, I felt like why is he doing  16 this, why is he telling me these things. It just seems  17 so odd that you would call somebody after never talking  18 to him for years, and I didn't really know him. And all  19 of a sudden he felt this need to tell me all this stuff  20 that he and Larry had done. And I mean, it -- there was  21 something very wrong with it. I mean, there was  22 something very, very wrong with it. I mean, I never  23 knew of him to talk like this before, and I've never had  24 this kind of a conversation with anybody.  25 And I literally, when I got off the phone, I</p>	<p style="text-align: right;">Page 46</p> <p>1 was just like something -- I got the sense that he was  2 saying these things deliberately, like he had things he  3 wanted to say because I just -- he would go from one  4 thing and then oh, oh, and then he'd go to another  5 subject, and he'd go, and by the way, you know, we did  6 this and we did that, and then it was to another  7 subject, and I don't know, it's difficult to explain,  8 but that's --  9 Q. Well, let me ask you, and maybe I can try to  10 clarify.  11 A. Okay.  12 Q. You've obviously had conversations with  13 people before in your life, correct?  14 A. Correct.  15 Q. Not to get too personal, but how old are you?  16 A. I'm 63.  17 Q. And presumably, you started talking to people  18 at a relatively young age?  19 A. Right.  20 Q. So you've had ample opportunity to have a  21 dialogue?  22 A. Uh-huh.  23 Q. And did it seem during this conversation that  24 Mr. Richards was listening to the responses you were  25 making?</p>
<p style="text-align: right;">Page 47</p> <p>1 A. No, that was another thing. If I would ask  2 him a question, he wouldn't even answer, he'd just go on  3 to something else that he wanted to tell me. And I felt  4 as though -- I really felt as though he had a list that  5 he was going over and he'd all of a sudden go, oh, and,  6 you know -- he -- you know, he owed me money for this  7 and he owed me money for that, and that was one of the  8 more important things that stood out in my mind, is that  9 he kept telling me how my brother owed him all this  10 money, you know, he --  11 Another thing that was odd about it is he had  12 information about my brother that I don't even know  13 about. He knew how much money my brother had gotten in  14 his two inheritances from my mother and my father each  15 time, and he knew what he did with that money; he knew  16 how he invested the money. He was telling me what he  17 did with it and how he bought gold with it and then he  18 sold the gold for a loss. And he knew the dates that he  19 sold the gold and he -- he was very -- very concerned  20 with my brother.  21 He knew so much more about my brother than I  22 even know, and we were close, we were close. And I  23 thought that to be very unusual and I just felt that  24 this person on the other end of the phone was saying  25 things to cover something up, is my feeling, and --</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. All right.  2 MR. WILLIAMS: I'm going to object to the  3 conclusion.  4 Q. BY MR. FISHER: Let's back up a bit and just  5 talk about -- and I recognize this conversation took  6 place eleven years ago and you were going through an  7 emotional time. I'm going to try to pick out as many  8 details of that phone call as we can, so if you'll bear  9 with me.  10 A. Okay.  11 Q. He calls you back. Does he know why you  12 called in the first place?  13 A. Only after I mentioned it to him. I don't  14 know if I left on the answering machine why I called.  15 Q. Okay. So you don't recall whether you said  16 the reason for the call on the answering machine?  17 A. I don't recall.  18 Q. But at some point early in that conversation  19 when he called you back, Mr. Richards called you back?  20 A. Yeah.  21 Q. You made him aware, at least, that you  22 believed your brother to be missing?  23 A. Yes, from -- right.  24 Q. And how did he react just to that?  25 A. He just began talking about Larry and him and</p>

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1 his relationship with him. He didn't react like other  
 2 people who I've told about it, like well, what can I do,  
 3 what do you think, did you talk to this person, did you  
 4 talk to that person --

5 MR. WILLIAMS: Objection to that entire chain  
 6 of hearsay, about what other people said. Thank you.

7 THE WITNESS: And so --

8 Q. BY MR. FISHER: Let me stop you there.

9 MR. WILLIAMS: And to the characterization of  
 10 what Mr. Richards had said to you. Thank you.

11 Q. BY MR. FISHER: Mr. Richardson -- Mr.  
 12 Richards' reaction to that news was different than  
 13 anyone else's reaction?

14 A. Yeah.

15 Q. And given his reaction --

16 MR. WILLIAMS: Again, I'm going to object to  
 17 relevance. Thank you.

18 Q. BY MR. FISHER: Given his reaction, did that  
 19 strike you as odd?

20 A. Yes.

21 Q. Okay. And again, that's based on having  
 22 multiple conversations with other people?

23 A. Uh-huh.

24 Q. You inform him your brother is missing. You  
 25 indicate he wants to give you a lot of information.

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1 A. Well, I remember he -- and again, I have to  
 2 say that a lot of this, I had to figure out which trip  
 3 he was talking about later as I went over the  
 4 conversation because it was so confusing to me, the way  
 5 he was speaking. I didn't know what happened when or  
 6 where a lot of times, but he had talked about, once I  
 7 figured it out kind of, that they had gone to like Lake  
 8 Havasu and I believe -- there was even times that I have  
 9 never figured out, like he said, we went to the library  
 10 together, and I've still not figured out if that was in  
 11 the February trip or the April trip. So there were  
 12 things like that.

13 But he would talk about we did this and that,  
 14 and he was my traveling buddy; and he would talk about  
 15 how he wanted to establish himself down in Arizona so  
 16 that he could spend the winters down there because it  
 17 was difficult up in Oregon because it was cold and his  
 18 health --

19 Q. Now we're using "he" and we're talking about  
 20 two people, so let's --

21 A. I'm sorry, Anthony. Anthony would tell me  
 22 that he wanted to get all set up for, you know,  
 23 prospecting and have all the equipment and be  
 24 comfortable and have a -- you know, he was talking about  
 25 wanting this fifth wheel that he wanted to purchase

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1 A. Uh-huh.

2 Q. And I'd like to talk about the information he  
 3 wanted to give to you.

4 A. Uh-huh.

5 Q. But I'd kind of like to do it in a sequential  
 6 order. Do you recall what he first tried to impress  
 7 upon you?

8 A. No, I don't know the sequence, I'm sorry.

9 Q. And that's okay, I'll take you back. So you  
 10 get -- you're getting the phone call. You identify  
 11 yourselves, you haven't talked in a while?

12 A. Uh-huh.

13 Q. You say, look, I can't find my brother,  
 14 nobody has seen him. You indicate his reaction wasn't  
 15 to say, well, have you tried here, there, suggest leads?

16 A. Right.

17 Q. But somehow he wanted to give you  
 18 information. What information did he want to express?

19 A. Well, he talked about their trip together in  
 20 January and February.

21 Q. Okay.

22 A. He talked about what they did and where they  
 23 went, you know.

24 Q. Let's talk about that. What do you recall he  
 25 told you about the trip?

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1 and --

2 Q. Again, does this strike you as odd; you're  
 3 looking for your brother, you're looking for  
 4 information, and he's telling you he wants to get  
 5 established in Arizona and buy a fifth wheel?

6 A. Yeah. It was -- he was, you know, telling me  
 7 it was with him and Larry, it was his relationship with  
 8 Larry, and so part of me is going okay, but the other  
 9 part of me is thinking well, this is unusual that  
 10 someone would go to all this detail, telling me every  
 11 single thing they did or didn't do together and --

12 Q. So detail in conversations he had at a  
 13 library?

14 A. He just said they went to a library, which  
 15 was just something they did. They stopped and they  
 16 talked to a sheriff and he just would throw out little  
 17 pieces of information. We asked him if it's legal to  
 18 carry knives, he was saying, and he and Larry had knives  
 19 on them and the sheriff explained to them I think that  
 20 it has to be open and not concealed or something. I  
 21 can't remember the details, but, you know, he was  
 22 talking about things like that. Just a lot of -- lot of  
 23 details about what they did.

24 And then -- let's see. So there was that,  
 25 and then he talked about where they had camped, and when

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1 he came down, he was like three days -- I guess -- I'm  
 2 sorry, I'm not doing very well here. He says he was  
 3 three days late leaving Oregon, you know, to come down  
 4 here and pick up Larry. He never told me why or  
 5 anything, and just these crazy little details that I  
 6 thought were just unusual.

7 He picked up Larry from Murphys and Larry  
 8 wasn't quite ready for the trip yet, so Anthony stayed  
 9 at his friend down in Angels Camp, his name is Glenn  
 10 Croshaw (phonetic), and stayed there for a few days  
 11 helping him do his RC cars and airplanes, and Glenn  
 12 flies them, too.

13 Q. With respect to these details, was that as it  
 14 relates to the trip in January or February or this April  
 15 trip?

16 A. Oh, I'm sorry, yeah, this was the April trip.

17 Q. Okay. At some point he started giving you  
 18 details about the April trip?

19 A. Oh, yeah, both trips. And that's why I was  
 20 confused, because -- and I'm confusing you guys, too,  
 21 but it was just --

22 Q. Was it linear?

23 A. Not at all.

24 Q. Do you know what I mean by that?

25 A. Sort of. In sequence you mean, like --

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1 THE VIDEOGRAPHER: We're back on the record  
 2 at 11:31.

3 Q. BY MR. FISHER: All right, when we left off,  
 4 I believe we just started to discuss the April trip to  
 5 Arizona that Mr. Richards was discussing with you on the  
 6 phone call.

7 A. Okay.

8 Q. This phone call, I believe you indicated,  
 9 took place sometime in June or July; is that correct?

10 A. As I recall, yes, in June.

11 Q. In June. So what did Mr. Richards share with  
 12 you about the trip in April?

13 A. The trip in April? Well, he was telling me,  
 14 he said when we got into town -- well, after picking up  
 15 Larry and they finally got to Arizona, they stopped and  
 16 picked up -- Larry purchased the shaker table that he  
 17 and Anthony had ordered prior, I guess it was special  
 18 made or something, so --

19 Q. So let me stop you, let's talk a little bit  
 20 about that.

21 A. Okay.

22 Q. What is a shaker table, to your knowledge?

23 A. It's a piece of mining equipment that they  
 24 use to separate the gold, I guess, from the dirt  
 25 somehow. I guess it -- you need a generator to run it,

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1 Q. Correct, when --

2 MR. WILLIAMS: Josh --

3 Q. BY MR. FISHER: When we talk about a story,  
 4 when we tell a story, we usually try to tell it as it  
 5 occurred in sequence because it's easier for the  
 6 listener to follow and understand.

7 A. Uh-huh, uh-huh.

8 Q. Was the narrative he was providing you in  
 9 sequence or linear?

10 A. No, and that's why it was so extremely  
 11 difficult and that -- that to really understand what he  
 12 had told me and what happened where and when, and also  
 13 it was not only difficult to understand, but it was  
 14 disturbing, because again, I felt -- I felt through this  
 15 conversation that he was on one subject, and then it's  
 16 like we're talking about this, and then, I see that my  
 17 glasses -- oh, by the way, I have to tell you where I  
 18 bought these glasses, you know, it would just jump from  
 19 subject to subject, and it was odd -- it was very odd.

20 Q. I'm going to stop you there, thank you. I'm  
 21 going to stop you there for a moment. We're going to  
 22 take a brief break.

23 THE VIDEOGRAPHER: Going off the record at  
 24 11:17 a.m.  
 25 (Off the record.)

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1 I believe, and shakes out the gold or something. That's  
 2 about as much as I know.

3 Q. More than I did.

4 A. Okay.

5 Q. Now, this shaker table, do you know how much  
 6 it cost?

7 A. Eighteen hundred.

8 Q. All right. So significant purchase?

9 A. Yes.

10 Q. And Mr. Richards had informed you that he and  
 11 Larry had bought that table together?

12 A. That Larry bought it.

13 Q. Okay.

14 A. But they were together picking it up.

15 Q. So Larry had purchased the table?

16 A. Yes, on his credit card.

17 Q. Now, did that news strike you as odd?

18 A. I didn't even know at the time Larry had a  
 19 credit card, because Larry had never had credit cards in  
 20 the past, and he had recently started getting credit  
 21 cards, apparently in the short time I hadn't been around  
 22 him or anything or talked to him.

23 I'm not exactly sure when he first did, but  
 24 yeah, that was new because Larry usually paid cash for  
 25 everything.

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1 Q. Okay. Based on your years of experience with  
 2 Larry, and taking into account that at some point you  
 3 didn't talk for a period of time prior to his  
 4 disappearance, was it unusual for Larry to put himself  
 5 in debt?  
 6 A. No, he did not -- never put himself in debt.  
 7 Yes, it was unusual. He -- he paid cash for everything,  
 8 and in fact, this particular purchase, a very good  
 9 friend of his in Hawaii, Bart Lenate --  
 10 (Reporter stopped proceedings for  
 11 clarification.)  
 12 THE WITNESS: L-e-n-a-t-e, I believe. He  
 13 told me that Larry had --  
 14 MR. WILLIAMS: Objection to hearsay.  
 15 THE WITNESS: Can I say it, though?  
 16 Q. BY MR. FISHER: Uh-huh.  
 17 A. He told me that Larry had been speaking with  
 18 him fairly regularly, too, on the phone and he said,  
 19 hey, should I put this purchase on my credit card, I'm  
 20 really worried about it, and that's how Larry was, it  
 21 was like a big thing and he was concerned about it and  
 22 Bart told him, hey, if you really want it, go ahead and  
 23 do it, you know, just go for it, you know, why not.  
 24 Q. And that was about the shaker table itself?  
 25 A. The shaker table itself, yep.

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1 Knight was selling his fifth wheel trailer and Anthony  
 2 explained to me that he really wanted it, it was a great  
 3 deal, it was \$2,000, and he wanted Larry to go in  
 4 together on it. He says, you know, 2,000, you know, who  
 5 wouldn't go with such a great deal, or something  
 6 similar.  
 7 And so they stopped at Dean Knight's trailer,  
 8 and I don't know if it was the trailer Dean Knight lived  
 9 in that was for sale or a different trailer that he was  
 10 selling, I'm not sure, I've never figured that out. But  
 11 they stopped at the trailer, and apparently Anthony told  
 12 me that Dean and Larry did not get along, Dean does not  
 13 like Larry. I guess Larry was there at the trailer one  
 14 time and his dog jumped in Larry's lap and he pushed the  
 15 dog off and Dean got offended.  
 16 And I don't know what that was about, but --  
 17 so they showed Dean the shaker table that Larry had  
 18 bought and then that was it. They left and they went  
 19 off to try out the shaker table. I remember Anthony  
 20 saying that, we went to try out the shaker table.  
 21 Now, you know, I have it in my notes, but I'm  
 22 not exactly sure exactly how it went, but at some point  
 23 he said, you know, they were at the LDMA camp and then  
 24 how they had proceeded up -- couple days later or  
 25 whatever to the claims site in Bagdad, and then I

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1 Q. So he'd expressed concerns about making a  
 2 purchase this large to a friend?  
 3 A. Yes, he had.  
 4 Q. But there's no question, at least based on  
 5 your conversations with the friend, that Larry was the  
 6 one who bought this item?  
 7 A. Right.  
 8 Q. That conversation you had with Mr. Lenate led  
 9 you to believe that Larry freely and willingly purchased  
 10 the table?  
 11 A. Yes.  
 12 Q. All right.  
 13 A. Yeah.  
 14 Q. So Mr. Richards has now told you that they  
 15 picked up this table and proceeded to the mining site;  
 16 is that correct?  
 17 A. Oh, from there they went and stopped at a  
 18 friend of Anthony's, his name is Dean Knight, and he  
 19 explained to me that Dean Knight had this trailer that  
 20 he was selling and again, you know, I have to clarify  
 21 that during this conversation, some of this wasn't said  
 22 in a very clear manner. I had to sort of sort it out  
 23 and go oh, this is what he was speaking about when he  
 24 said that. So it's just -- it was -- the conversation  
 25 was not linear, like you mentioned, so -- but Dean

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1 believe he said they stayed on -- I may be wrong on  
 2 this, but again, I have it in the notes, whether they  
 3 stayed there a night, I believe, and then they went back  
 4 to the LDMA camp and supposedly, I believe they were  
 5 there the rest of the time, but again, I -- I'm not  
 6 totally sure on where they stayed and how long and  
 7 everything, but I do have it in my notes from what  
 8 Anthony said.  
 9 Q. And LDMA, that's the Lost Dutchman's Mining  
 10 Association; is that correct?  
 11 A. Right, right.  
 12 Q. And that's --  
 13 A. I had never heard of it before, either. It's  
 14 kind of a prospector's camping association, you know,  
 15 club that Anthony was a member of.  
 16 Q. And you can stay there and camp; is that  
 17 correct?  
 18 A. Correct. And I guess he explained to me  
 19 there's showers there and there's a washroom there and  
 20 there's a TV room, I guess, and --  
 21 Q. Washers and dryers?  
 22 A. Right. And I believe that's where -- from  
 23 what I think, this is where that trailer was that he  
 24 wanted to buy.  
 25 Q. The fifth wheel that belonged to Dean Knight?

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1 A. Yes. And I'm thinking there were two  
 2 separate fifth wheels, I believe -- I'm not positive,  
 3 but I think this is where the fifth wheel was that he  
 4 wanted to buy. And Anthony had told me they had stayed  
 5 in that fifth wheel in February trip and -- so yeah.  
 6 Q. All right. Now, again, he's providing all of  
 7 this information to you?  
 8 A. Yes.  
 9 Q. And does it seem in relation to the nature of  
 10 the call, that being you're looking for information on  
 11 your brother's whereabouts?  
 12 A. No; again, every minute that passed I was  
 13 thinking this is so odd and unusual that he's telling me  
 14 all this stuff when I just called to find out where  
 15 Larry is and say we didn't -- we couldn't find him and  
 16 that he was missing. And it was very odd. I thought it  
 17 was very, very odd.  
 18 MR. WILLIAMS: I'm going to object to the  
 19 characterization of the word "missing," I don't think  
 20 there's any foundation for that.  
 21 THE WITNESS: Okay.  
 22 MR. WILLIAMS: Well, I'm just making an  
 23 objection. I'm sorry to interrupt you, but --  
 24 THE WITNESS: No --  
 25 MR. WILLIAMS: You can go on. I'm just

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1 Q. Now, this was information he was giving you  
 2 again on this call?  
 3 A. Yes, this is just part of the information.  
 4 Q. You were trying to locate your brother, and  
 5 he's sharing with you his irritation that he hadn't been  
 6 repaid for half of a mining claim?  
 7 A. Yes. And then he went on to explain that  
 8 Larry owed him money for -- for -- Anthony supposedly  
 9 had loaned Larry \$12,500 to work on his house in Valley  
 10 Springs, and they had a deal supposedly that, you know,  
 11 Larry would build this house and they were going to wait  
 12 two years for the property values to go up and then  
 13 Larry would sell it and Anthony would make significant  
 14 amount of money off the sale of this house.  
 15 Anthony claimed that he loaned Larry money,  
 16 \$12,500. And so he also said that Larry owed him \$5,000  
 17 for a bet that they had made before Y2K, because Larry  
 18 was really concerned that -- he was one of those guys  
 19 that thought that all the power was going to go out and,  
 20 you know, businesses were going to fall off the face of  
 21 the earth and it was just going to be horrible. And  
 22 Anthony says, oh, we'll make a bet \$5,000 that that  
 23 doesn't happen.  
 24 And then he went on to claim that -- well, in  
 25 the same statement he said, you know, I mean, I didn't

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1 making the objection, okay?  
 2 THE WITNESS: Okay, okay. So -- yeah.  
 3 Q. BY MR. FISHER: And at this point, perhaps  
 4 Mr. Williams would prefer I use you were looking for  
 5 your brother, couldn't locate him?  
 6 A. Right.  
 7 Q. When I'm looking for my keys and can't locate  
 8 them, I say they're missing.  
 9 With respect to this conversation, though,  
 10 you indicate Mr. Richards had shared with you that they  
 11 went to the Lost Dutchman's Miner's Association camp,  
 12 mouthful, and then had traveled to the Bagdad location.  
 13 What is the Bagdad location?  
 14 A. The Bagdad location I discovered was a claim  
 15 site which he and Larry and Anthony had purchased  
 16 together. And that was a source of irritation to  
 17 Anthony because he kept telling me that Larry owed him  
 18 for half of that, and I believe the claim was \$750. So  
 19 there's like three separate claims in one that they got,  
 20 it's Nugget 1, 2 and 3, they call it, and it's out in  
 21 the Coors Mine Well area, I guess. It's -- I'm not  
 22 exactly sure, it's all kind of the same thing somehow.  
 23 And Anthony was very perturbed at Larry  
 24 because he says he hadn't paid him for that, his half of  
 25 the claim.

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1 take it -- I didn't take it seriously but Larry did.  
 2 Yet Anthony's the one saying that he owed me this money  
 3 from it, so I found that odd. But he also said that he  
 4 gave Larry a dish, a television, you know, receiver  
 5 dish.  
 6 Q. Satellite dish?  
 7 A. Satellite dish. And Larry's never paid him  
 8 for that and he owes him for that. And he said -- he  
 9 said that Larry said that if anything ever happened to  
 10 him, that Anthony gets his property across from him up  
 11 in Oregon, because Larry owned property across from  
 12 Anthony up in Oregon. He says, yeah, it was a buddy  
 13 buddy deal, he was going to give me his property if  
 14 anything ever happened to him.  
 15 And then going back to the -- let's see, the  
 16 original --  
 17 Q. Let's just back up a moment.  
 18 A. Okay, thank you.  
 19 Q. I'll ask you a question, maybe that will  
 20 help.  
 21 A. Yeah.  
 22 Q. We are -- we're in the middle of a three-hour  
 23 phone call. And during that conversation, Mr. Richards  
 24 begins to list a number of debts that Larry had  
 25 incurred?

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1 A. Right.

2 Q. And that would include about \$375 for the

3 mining claim in Bagdad?

4 A. Yes.

5 Q. Is that correct?

6 A. That's where -- yeah, I was going to try to

7 go back to that.

8 Q. About \$12,500 for some spring valley project?

9 A. Yes, Valley Springs house.

10 Q. Valley Springs, excuse me.

11 A. The house Larry was building.

12 Q. There was also -- excuse me, a satellite dish

13 that somehow --

14 A. Anthony had given to Larry and somehow

15 expected him to pay for it, I guess.

16 Q. And there was no value placed on that during

17 the call?

18 A. Right.

19 Q. And finally, Mr. Richards revealed to you

20 that there was an agreement in place that should

21 anything happen to Larry, he was to take over property

22 in Oregon?

23 A. Uh-huh.

24 Q. All of this conversation took place again

25 while you were trying to locate your brother?

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1 from that claim site.

2 Q. We'll talk more about that in a bit, but

3 let's focus, I guess, on this call. So he's now told

4 you they traveled back down to the Dutchman's camp

5 association site?

6 A. Right.

7 Q. Did he indicate why they'd left Bagdad so

8 quickly?

9 A. No. They may have, but I don't remember, I

10 don't recall.

11 Q. Okay. What did he tell you about their time,

12 their second stay at the Lost Dutchman's?

13 A. Oh, and again, it wasn't like this is the

14 first and this is the second, so there's just sort of a

15 general what I thought happened there, you know. But

16 what did he say about that. He didn't say much.

17 Oh, he told the story and again, I don't know

18 if this was from February or April, but he told a story

19 about how Larry had lost his wallet and he was losing

20 it, he was hiking -- he said he hiked hundreds of miles

21 looking for his wallet.

22 And I don't know where he was when he was

23 hiking this hundred miles. I'm assuming it might have

24 been out at the claim site or another piece of property,

25 I really don't know, but he said they -- Anthony said,

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1 A. Right.

2 Q. Was any of this in relation to questions you

3 had asked?

4 A. No.

5 Q. Did that strike you as unusual?

6 A. Uh-huh, yes, very, very unusual.

7 Q. The nature of the call discussing -- I

8 neglected to mention the \$5,000-Y2K bet. Did these

9 strike you as odd given your brother's, I guess, general

10 reluctance to part with money based on your experience?

11 A. Absolutely. None of it sounded right.

12 Q. You've taken us in the narrative through the

13 portion where they started at the Lost Dutchman's camp,

14 then they've moved to their own Bagdad site. What did

15 -- and just for purposes of clarity here, the Bagdad

16 site was the shared mining claim that Mr. Richards had

17 indicated Larry still owed \$375 for?

18 A. Right.

19 Q. What did Mr. Richards tell you about their

20 time at that Bagdad mining site, if anything?

21 A. Pretty sure he just said, we went there for

22 one night and then we went back to the LDMA camp. He

23 didn't say much about it and he -- in subsequent

24 conversations I had asked him, you know, things about it

25 and he -- it felt like he was trying to direct me away

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1 calm down, calm down, let's go back to the LDMA site and

2 we'll look for it there.

3 And he says they found it on the washing

4 machine, Larry's wallet was there and he was all

5 relieved. And he said, I told Larry nobody here would

6 touch your wallet or take anything out of it, I remember

7 that happening. It's just a random story, you know,

8 that --

9 Q. But that might have been -- is it fair to say

10 based on I guess the short stay in Bagdad, that might

11 have been why they returned to the Lost Dutchman, to

12 find that wallet?

13 A. I can't say, I don't -- I don't relate it --

14 I'm not relating it in my mind, I never related it to

15 it.

16 Q. Okay.

17 A. I don't think he ever really said why. And

18 if he did, I would say -- because he would talk about

19 how the camp is more comfortable, so it might have been

20 because of that. He talked about that, you know, it's

21 more comfortable staying in camp. Especially, though,

22 in regard to the fifth wheel, because they weren't

23 staying in the fifth wheel that April trip, but he

24 talked about how it's much better to stay in the fifth

25 wheel.



1 Q. It appeared during this conversation that Mr.  
2 Richards was quite smitten with that fifth wheel, is  
3 that fair to say?

4 A. Yes, he said I -- I think he said -- he  
5 definitely wanted it, clearly, clearly wanted that fifth  
6 wheel, something he'd been looking for for a long time,  
7 he said, he'd actually been looking, this was such a  
8 deal, it was a great deal. And I think he even said  
9 something to the fact that Larry was -- I don't know,  
10 these aren't the right words, but something like with  
11 him being stupid not to buy it, it's in my notes; again,  
12 it's in my notes that I wrote down.

13 Q. Did he share with you that the fifth  
14 wheel was --

15 MR. WILLIAMS: I'm going to object to  
16 vouching -- the referring to notes that are not on the  
17 record.

18 THE WITNESS: Okay, got it.

19 Q. BY MR. FISHER: Did he refer to the fifth  
20 wheel as being similar to one his mother possessed or  
21 something of that nature?

22 A. No.

23 Q. Okay. What else does he tell you, if  
24 anything, about his time at the Lost Dutchman the second  
25 occasion?

1 information from all the conversation, and I might get  
2 mixed up on which one I gained the information from.

3 Q. And I think going forward, we'll understand  
4 that what you're telling us is with that caveat.

5 A. Okay.

6 Q. Some of it may be jumbled from different  
7 conversations, but can we assume if you're telling it,  
8 that that is something you actually remember?

9 A. Yes, absolutely.

10 Q. We're clear on that point?

11 A. Yes.

12 Q. Okay. So you've shared with us that he tells  
13 you Larry struck gold, which is pretty exciting news?

14 A. Yes, exciting news.

15 Q. And --

16 A. So he -- he explained to me that after Larry  
17 found this gold, he was a different person, he even used  
18 that term, and he became very generous and he let  
19 Anthony use his credit card because he owed him -- Larry  
20 owed Anthony so much money from these past deals that we  
21 mentioned, that he let Anthony use his card.

22 And he also went on to say that they went  
23 down to Phoenix and Larry bought a motorcycle and they  
24 found a motorcycle carrier like an Enduro. I asked him,  
25 well, what kind of motorcycle, what did it look like,

1 A. Well, I think that's about it specifically

2 there at the -- at the camp. Oh, right, right, okay,  
3 that's where -- that's right, that's where they --

4 that's where supposedly Larry found gold, that's right.

5 So I guess the second day there he said, or  
6 something, I'm not sure about that, they were gold  
7 mining and digging for gold, and he said he told Larry  
8 where to dig, around rocks, and what you find is yours  
9 and what I find is mine, and Larry found gold at the  
10 Lost Dutchman's Association.

11 And the amount of gold changed in different  
12 conversations that we had. I think at the first time he  
13 told me I believe it was a half an ounce, and then the  
14 next time we talked about it it was an ounce, and Larry  
15 sold that gold. And I did ask him -- and again, I have  
16 to clarify that I'm not totally certain if all what I'm  
17 saying happened in the very first conversation we had.

18 Q. And let's talk about that for a moment, just  
19 to -- I know you want to make sure that we're clear on  
20 that. These conversations took place eleven years ago?

21 A. Right.

22 Q. And in that eleven years, it's fair to say  
23 your memory about the conversations is perhaps less  
24 distinct than it was immediately after they took place?

25 A. Right, and I might mix up -- I have a lot of

1 and he explained that to me.

2 And at one point he told me Larry had ridden  
3 that motorcycle all the way back to camp and he told me  
4 how many miles it was. Just kind of odd information,  
5 you know, thrown in there, here and there, and I don't  
6 know, you know, why he would share all this information  
7 and it's just --

8 Q. Do you -- let me stop you there.

9 A. Yeah.

10 Q. Do you recall -- you said that first phone  
11 call you believe he told you Larry had struck about half  
12 an ounce of gold?

13 A. Uh-huh.

14 Q. And he sold it there in camp; is that  
15 correct?

16 A. Now, that story changed also where Larry sold  
17 the gold, yes, but supposedly he sold it at camp, and  
18 then at one time he said -- and again, this may be from  
19 different conversations, not the same one, and he also  
20 sold it in town and then he had sold it to a jeweller.

21 Q. And by "in town," do you take that to mean  
22 Phoenix?

23 A. I did, but I don't know --

24 Q. Sure.

25 A. -- what town he meant.

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1 Q. I'm just asking what your impression was  
 2 relative to the conversation.  
 3 A. Yeah, that was my impression only because I  
 4 was trying to keep track of what was what.  
 5 Q. And did he tell you, if you recall, what the  
 6 value of that gold was when he sold it?  
 7 A. Again, at one point I think he said 500 and  
 8 then another was, I think he said 1200. I'm not  
 9 positive, but again, I did write it down.  
 10 Q. I understand. And with respect to your prior  
 11 experience with Larry, would -- and I'm talking about  
 12 what, 50 years of experience with Larry; you were the  
 13 youngest, so he was there when you started?  
 14 A. Absolutely.  
 15 Q. Was Larry the type of individual that would,  
 16 in your opinion, suddenly become generous upon \$500,  
 17 upon recovering \$500?  
 18 A. No, I mean -- but Larry never owed anybody  
 19 money, so that was unusual right there. He didn't -- he  
 20 didn't borrow money. And if he borrowed something like  
 21 a tool or something, he made sure to get it back. He  
 22 was -- he was not about borrowing because like if we  
 23 borrowed something, you know, and made sure we got it  
 24 back from my husband and I or something from Larry. He  
 25 didn't like loaning things -- and he didn't like

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1 you were able to reproduce just now; and I had a swell  
 2 other one that I can't quite think of now, but I'm glad  
 3 I got those on the record.  
 4 MR. FISHER: Let me know if you figure it  
 5 out.  
 6 MR. WILLIAMS: Thanks.  
 7 Q. BY MR. FISHER: Now, with respect to those  
 8 values, \$1200 being the maximum that Mr. Richards told  
 9 you he sold that gold for --  
 10 MR. WILLIAMS: Oh, sweeping generalities  
 11 about what Larry would do, because you hadn't talked to  
 12 him in at least two years, so you weren't there when it  
 13 happened, so I'm going to say foundation. I'll object  
 14 as to foundation. Thank you.  
 15 Q. BY MR. FISHER: Now, you had indicated that  
 16 Mr. Richards told you Larry had sold that gold for, on  
 17 one occasion, \$500, on another later occasion, \$1200; is  
 18 that correct?  
 19 A. Right.  
 20 Q. And that he had, upon striking gold and  
 21 selling gold, become more generous of nature?  
 22 A. Yes.  
 23 Q. Which you would agree would indicate Mr.  
 24 Richards believed he wasn't as generous -- Larry wasn't  
 25 as generous previous to striking gold?

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1 borrowing things because he didn't want to break it and,  
 2 you know, have to buy a new one or turn it over,  
 3 whatever, he just was that way.  
 4 So yeah, your question was would he become  
 5 generous all of a sudden. I've never run into any kind  
 6 of situation like that with him where -- I don't  
 7 think --  
 8 Q. Let me ask it a different way.  
 9 A. Okay.  
 10 Q. You indicated Mr. Richards told you on  
 11 multiple occasions the value of the gold he sold and  
 12 that that value shifted?  
 13 A. Uh-huh.  
 14 Q. At one point it was as low as 500 and then it  
 15 became 1200?  
 16 A. Twelve hundred, I believe, and also shifted  
 17 when he spoke with another friend of ours.  
 18 Q. Okay. And we'll leave that for the time  
 19 being, but with your conversation, it had shifted  
 20 between five and \$1200?  
 21 MR. WILLIAMS: I have three objections.  
 22 First I have an objection to the referral to the notes  
 23 again, that was a ways back, but I didn't want to jump  
 24 in at that point. Second was the hearsay that somehow  
 25 Anthony said something similar to another friend that

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1 A. Oh, right.  
 2 MR. WILLIAMS: Objection as to leading and  
 3 assuming facts not in evidence.  
 4 Q. BY MR. FISHER: Let me rephrase the question.  
 5 When Mr. Richards told you that Larry became  
 6 more generous, did that lead you to believe that he was  
 7 less generous previous, is that a fair assumption?  
 8 A. Yes. Anthony even made comments about that,  
 9 about how Larry -- you know, Larry would never -- not  
 10 necessarily exactly that, but he said things about  
 11 Larry's ways and he said that he would never let anybody  
 12 know that he had money, and -- but he -- and he said,  
 13 but he always did, and I thought that was unusual, like  
 14 how does he know Larry had money.  
 15 But anyway, that was just one thing, but he  
 16 -- yeah, he says Larry didn't pay for anything, you  
 17 know, and in fact, the first trip he didn't pay for  
 18 anything, he said, and the second trip, because he found  
 19 the gold, he did. So that sounds like he knew he wasn't  
 20 a big spender.  
 21 Q. Did it appear to you that Mr. Richards was  
 22 upset with the financial disparity?  
 23 A. Oh, the -- absolutely. He was angry at  
 24 times. He was yelling, he would raise his voice. He  
 25 got angry and emotional, especially in the first

1 conversation.

2 Q. This would be with you, correct? I just want  
3 to clarify.

4 A. Yes, the conversation that I had with him on  
5 the phone that first time I called, and then he called  
6 me back. He was very upset on different occasions and  
7 then he'd get -- yeah, he says, I need that money, and  
8 he talked -- he went on to talk to me and tell me about,  
9 you know, I have a thousand dollar debt for my cancer  
10 medications, he said. And at one point he would say,  
11 well, Larry wanted to sell this or that property and I  
12 -- and he would tell him, he would say, I told him no,  
13 he can't until he pays me back.

14 And then on other occasions he would say, I  
15 told him to talk to his brother Dan and sell the cabin,  
16 I told him to do this. He was very kind of demanding,  
17 you know, about what Larry do and I found that --

18 Q. Did that strike you as unusual?

19 A. Yeah, definitely it stood out. It was --

20 Q. Now, with respect to the amount of gold, you  
21 indicate that that varied as well as the amount he sold  
22 it for. Did Mr. Richards also give you an indication he  
23 knew how much money Larry had with him during this trip?

24 A. Yes.

25 Q. And could you explain for us how that

1 occurred?

2 A. It just was one of those things he just threw  
3 out there like everything else in the conversation. And  
4 he said -- I don't know what point or exactly led to it,  
5 but he said, well, I know Larry had -- and I don't know  
6 which one came first or what, but he said, I know Larry  
7 had \$2,000 with him, and then whatever money he had  
8 after he sold the gold, so he was already kind of  
9 keeping track of Larry's money. And I'm thinking how  
10 did he know he has 2,000.

11 And in another conversation, that 2,000 was  
12 changed and again, on the numbers I'm not good, but he  
13 may have said 4,000. I did write it all down again, but  
14 -- you know.

15 MR. WILLIAMS: Objection, referring to the  
16 written down.

17 Q. BY MR. FISHER: Let me just ask --

18 THE WITNESS: I'm sorry.

19 Q. BY MR. FISHER: No, you don't need to  
20 apologize. You took notes during this phone call?

21 A. Yes, I did.

22 Q. Do you take notes typically during phone  
23 calls?

24 A. No, not like I did at this phone call. I  
25 always scribble on something, usually I'm a scribbler

1 person, you know, doodler. But pretty much very early  
2 on I felt uncomfortable with what was happening, so I  
3 wrote down more and more and more. And the more he  
4 talked, the stranger things got, and started right out  
5 the gate, and was like just is getting stranger and  
6 stranger. By the time I got off the phone, I was really  
7 upset, I wasn't even sure what I heard.

8 In fact, I called Shelley because she had  
9 offered up her help the day before. After I got off the  
10 phone, I literally remember standing in the living room,  
11 just goose bumps from head to toe, and I called her, and  
12 I said, something happened here, I --

13 MR. WILLIAMS: Objection, hearsay.

14 THE WITNESS: Okay.

15 Q. BY MR. FISHER: It's okay. You felt that  
16 something happened?

17 A. Oh, yes, so I said, Shelley, something's  
18 wrong, something -- I know something's wrong now. I  
19 don't know what it is, but Anthony has something to do  
20 with it. And she says, what is your gut feeling --  
21 because I was really confused, and -- like I was really  
22 confused. I said, I don't know, I don't know what I  
23 just heard, I don't know what's happening, and she said,  
24 what is your gut feeling, and then I said --

25 MR. WILLIAMS: Objection, hearsay.

1 THE WITNESS: I said something -- when she  
2 said that, I just answered from the heart and I just --  
3 something's happened to Larry and he had something to do  
4 with it.

5 Q. BY MR. FISHER: Now, during this time, I  
6 think you'd reached maybe that personal opinion?

7 A. Yeah.

8 Q. And you decided you would continue taking  
9 notes?

10 A. Yes.

11 Q. Indeed, you made the decision at some point  
12 in the future to start recording phone calls; is that  
13 correct?

14 A. Yes. Well, after this conversation and  
15 everything, I knew something was going on, so I believe  
16 it was shortly after that, I don't know how many days,  
17 my husband and myself and I believe my son came with me,  
18 we went back over to his property because I was thinking  
19 something's going on now, and we went in --

20 Q. I'm going to stop you there for a moment.

21 A. Okay.

22 Q. You said "his property." Are you referring  
23 to Larry's property?

24 A. Larry's property, yeah, and just started  
25 looking for like wrongdoing and -- you know, something,

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1 you know, out of the ordinary. I didn't know what I was  
 2 looking for, I just knew I was looking and --  
 3 Q. At this point when you go over to his  
 4 property, this is just after that first phone call,  
 5 correct?  
 6 A. Not the same day, but a few days later.  
 7 Q. Right. But you hadn't spoken to Mr. Richards  
 8 again?  
 9 A. No, no.  
 10 Q. Okay. Now, let's back up and --  
 11 A. Okay.  
 12 Q. -- we'll return to that point, but I do want  
 13 to kind of finish off with that first phone call. So  
 14 you've now discussed that he's struck gold and he sold  
 15 that gold, and you were given a variety of amounts;  
 16 variety of weights of gold and a variety of sources  
 17 where the sale took place, but during that initial call,  
 18 at least, he informed you he struck some gold and he  
 19 sold it for some money?  
 20 A. Yes. And the varieties were changed from  
 21 conversation to conversation, not in this one  
 22 conversation, there was one amount that he'd given.  
 23 Q. All right. And following that, Mr. Richards  
 24 told you your brother became a different person?  
 25 A. Yes.

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1 A. No, not the cash.  
 2 Q. Rather, instead he let him use a credit card  
 3 for various purchases?  
 4 A. Correct.  
 5 Q. And those purchases took place for --  
 6 A. For auto parts for Anthony's truck and for  
 7 gas purchases and for fuel for his -- Anthony's remote  
 8 control airplane, and for -- when he got back up to  
 9 Oregon there were purchases. He bought a new printer  
 10 and an upgrade for his computer and some tools over at  
 11 Harbor Freight.  
 12 And in fact, there was a purchase at an  
 13 AutoZone, I forgot what it was for, but it was for a  
 14 part that you can turn in, a core return, and you get  
 15 your money back. It was one of those auto parts that  
 16 you can do that with. So he purchased something for his  
 17 truck for that. And then later he went back into the  
 18 AutoZone and he brought in the core exchange and he had  
 19 to sign the receipt for that core exchange to get his  
 20 money back out of that.  
 21 Q. You're talking about Mr. Richards at this  
 22 point?  
 23 A. Yes.  
 24 Q. Now, let's back up a bit. I know we talked  
 25 about the use of the credit card. Those transactions

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1 Q. He began letting Mr. Richards use his credit  
 2 card?  
 3 A. Yes.  
 4 Q. Did that strike you as odd?  
 5 A. Yes.  
 6 Q. Why?  
 7 A. Because Larry barely would use a credit card  
 8 himself.  
 9 Q. Mr. Richards had told you at this point that  
 10 Larry had somewhere between 2600 and \$3200 in cash,  
 11 correct?  
 12 A. Twenty-six and 32 -- I think he said 2,000  
 13 and 4,000 or something.  
 14 Q. And I apologize, those are the amounts he  
 15 told you he had in cash, but then he sold the gold for  
 16 cash as well?  
 17 A. Oh, right.  
 18 Q. So at a minimum, he had the \$2,000 in that  
 19 first phone call, plus the amount he sold the gold for,  
 20 which was either 600 or 1200?  
 21 A. Right, he had said that, he actually had  
 22 added that information while we were talking.  
 23 Q. But he, meaning Mr. Richards, Mr. Richards  
 24 didn't tell you that Larry gave him any of that cash to  
 25 offset this debt he owed?

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1 took place over weeks, perhaps even months after that  
 2 April camp --  
 3 A. Correct.  
 4 Q. -- is that correct?  
 5 A. Yes.  
 6 Q. And Richard, during this call, had explained  
 7 to you that Larry had authorized his use of the credit  
 8 card?  
 9 A. Correct.  
 10 Q. Were there any purchases made with that  
 11 credit card in Arizona, to your knowledge?  
 12 A. Yes.  
 13 Q. What were they?  
 14 A. I believe one of them was the auto parts for  
 15 his truck, auto parts, and then a couple of -- I don't  
 16 know exactly the purchases, but they were at gas  
 17 stations and auto parts store, and then there were more  
 18 made from Arizona up on his way here.  
 19 Q. Okay. Returning to the phone call, he tells  
 20 you that now they're at the Lost Dutchman's Mining camp,  
 21 they've found some gold, it's changed Larry's outlook on  
 22 things. Where did they go next?  
 23 A. Where did they go next. I --  
 24 (Reporter stopped proceedings for  
 25 clarification.)

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1 THE WITNESS: Oh, I'm not sure right now, I  
 2 can't think of where they went next. Where did they go  
 3 next. Okay, so Larry found the gold, and -- I'm  
 4 speaking out loud when I'm thinking, sorry.  
 5 Q. BY MR. FISHER: Did Richard share with you  
 6 during that phone call that he had returned to  
 7 California with Larry?  
 8 A. Yes, he did, yeah.  
 9 Q. And did he tell you how they returned?  
 10 A. Yes, Anthony brought him back. He said, we  
 11 had to leave early because my mom got hurt on a cruise,  
 12 so we had to cut the trip short and I brought Larry back  
 13 to Murphys.  
 14 Q. Okay. And do you know when they began the  
 15 trip back to Murphys?  
 16 A. Well, no, but I -- he didn't tell me when  
 17 specifically, but looking at Larry's credit card bills,  
 18 we saw when the vehicle had, you know, moved up to  
 19 Murphys.  
 20 Q. And based on those credit card bills, when do  
 21 you believe they began their return?  
 22 A. What date was that, okay. I think -- I  
 23 believe it was around the 14th, I'm -- it's a guess, but  
 24 somewhere around the 14th.  
 25 Q. And that would be of April, correct?

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1 Q. BY MR. FISHER: There was a second UPS  
 2 delivery?  
 3 A. It was either the next -- well, he came back  
 4 -- the next day he came and he talked with Larry, and  
 5 there was a guy, another guy that was there at Larry's  
 6 house, and he had a mini motor home that Anthony  
 7 described to me to the T and he says, well, I know it  
 8 because my mother had one of those.  
 9 And he said that Larry and Anthony talked  
 10 about what was going to happen on their next trip, and  
 11 Larry and this guy had decided they were going to go up  
 12 to Oregon. And so Anthony told me that he went home and  
 13 he came back the second day -- a second or third day,  
 14 I'm not sure which day, but he came back another day and  
 15 Larry wasn't there. And he assumed that Larry and this  
 16 guy had already left for Oregon.  
 17 And Anthony picked up his second container,  
 18 gallon or whatever it was, however much fuel he bought  
 19 for his remote control airplane. It was delivered in  
 20 two separate orders. So -- so he claims Larry was gone  
 21 and he thought, well, maybe he went up to Bear Valley to  
 22 get the registration for the Isuzu Rodeo that Larry  
 23 claimed he was going to give Anthony to pay for the  
 24 claims site.  
 25 It's one of the things that I was going to

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1 A. Yes.  
 2 Q. Does anybody --, well, before we get to that  
 3 point, what does Richard tell you happened after they  
 4 returned to California?  
 5 A. He claims he was -- he dropped off Larry and  
 6 he went down to his friend Glenn Croshaw's in Angels  
 7 Camp and he stayed there. And he came back to Larry's  
 8 place the next day to pick up the airplane fuel that  
 9 Anthony had ordered on Larry's credit card, which was  
 10 delivered at Larry's house by UPS. UPS, when they  
 11 dropped off that fuel, they never saw Larry there.  
 12 MR. WILLIAMS: Objection, hearsay and  
 13 foundation.  
 14 THE WITNESS: He claims --  
 15 Q. BY MR. FISHER: Let me ask you a question.  
 16 How do you know UPS didn't see Larry?  
 17 A. I called them and I asked. And we have a  
 18 local UPS people here and they knew Larry.  
 19 Q. Okay. How do you know they knew Larry?  
 20 A. The fellow I talked to did this route, said  
 21 he did.  
 22 Q. Okay.  
 23 MR. WILLIAMS: Again, objection, hearsay.  
 24 THE WITNESS: So Anthony came back to Larry's  
 25 place the next day and I can't --

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1 tell you back in Stanton when we were talking about  
 2 Arizona. So he didn't know where Larry was.  
 3 Q. All right. So let's stop there for a moment  
 4 and kind of back up a little bit. You indicate that Mr.  
 5 Richards told you he had picked up two separate  
 6 packages --  
 7 A. Uh-huh.  
 8 Q. -- from Larry's home?  
 9 A. Uh-huh.  
 10 Q. And Mr. Richards told you that Larry had left  
 11 with an unknown third gentleman in a mini motor home?  
 12 A. On the second day that he was there, right --  
 13 or the second day he'd been at Larry's.  
 14 Q. And while Larry was alleged to be here in  
 15 Murphys, but not at the residence, Richards suggested  
 16 perhaps he'd gone to retrieve registration for an Isuzu  
 17 Rodeo?  
 18 A. Right, that was supposedly promised to him  
 19 from Larry.  
 20 Q. A type of vehicle?  
 21 A. Yes.  
 22 Q. So Larry was -- or excuse me, Richard was  
 23 indicating that he was entitled to that vehicle?  
 24 A. Right.  
 25 Q. In payment of some sort of debt?

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1 A. Right.

2 Q. With respect to this mystery individual that

3 drove Larry to Oregon, Richard provided you details

4 about the vehicle he was using; is that correct?

5 A. Correct.

6 Q. And that was the mini motor home?

7 A. Yes.

8 Q. And he said it was reminiscent of the motor

9 home belonging to his mother?

10 A. Yes.

11 Q. During the two days that Larry was supposed

12 to be in Murphys, California, did anyone outside of

13 Richard report seeing him to you?

14 A. Nobody, nobody saw him. And he didn't pick

15 up his mail when he was here, and he -- the one thing

16 about the flag that really gives me a reason to believe

17 Larry was never here is that the flag that was left out

18 prior, you can see that flag when you're driving down

19 right straight toward his driveway, you can see that

20 flag for, I don't know, 300 yards, quite some time.

21 And if Larry was coming home after having

22 left that out while he was in Arizona, he would have

23 gone, oh, wow, I left my flag. It would have bothered

24 him, it would have been a concern for him because that

25 flag was really important to him. So I feel that if he

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1 back, you know; he was going to give me his Chevy truck,

2 he was going to give me the Isuzu, he gave me the

3 three-wheeler for the claim sites, and how he was going

4 to give him his property in Oregon, even, you know.

5 Besides the buddy buddy deal if something

6 happened to him, he said, you know, I told him no, you

7 can't sell that, you give that property to me because

8 you owe me money, things like that said.

9 There was -- he told me about when -- he

10 started getting angry, he talked about how Larry was

11 hard to, you know, go -- go out with, like if they went

12 to restaurants. He told me about a time when Larry had

13 ordered a steak and the waiter/waitress delivered it and

14 he said, oh, bitch'n steak, and Anthony stuck a napkin

15 in his mouth because he didn't like what Larry had said.

16 Q. And this is what Mr. Richards told you he

17 did?

18 A. Yes, Mr. Richards told me this.

19 Q. And this is all during this first phone call?

20 A. Yeah, I believe it was the first phone call,

21 I'm pretty sure on this one, yeah. And he also told me

22 other times how he would get upset at Larry. He says,

23 well, he didn't like pork and one time I fed him pork

24 and he didn't know it and he ate it. And when he was,

25 you know, done, I told him I gave him pork, and Larry

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1 was here in Murphys for three days before he left, he

2 would have brought his flag in.

3 It's very difficult for me to believe that he

4 would have left it out, like if the first trip he left

5 it out accidentally, he wouldn't have left it out

6 accidentally a second trip, I just -- I really do believe

7 that. And --

8 Q. Now, this point in the conversation --

9 MR. WILLIAMS: I'm going to object to all

10 that speculation over the flag. Thank you.

11 Q. BY MR. FISHER: And again, that's all based

12 on your personal knowledge?

13 A. Yeah.

14 Q. Is that correct?

15 A. Yes.

16 Q. With respect to this conversation, it's now

17 taken probably a couple hours to discuss it; are you a

18 couple hours into this conversation with --

19 A. At where we're at?

20 Q. Yes.

21 A. We're back to the conversation. There was so

22 much that went on in that conversation, you know.

23 Again, there was a lot said in regards to Larry owing

24 him money for different reasons, and then Larry -- how

25 Larry was supposed -- supposedly was going to pay him

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1 threw it up, spit it out. He was angry and upset, and

2 he said, well, it tasted good, though, didn't it, you

3 know. So he would like kind of mess with him.

4 And he definitely was clearly angry about the

5 money situation, that, oh, and Larry would renege, he

6 says, whenever we got into deals, Larry always reneged

7 on me, you know, and he would never agree to anything.

8 That was quote, unquote, he said that.

9 And he -- through -- through their history he

10 would try to get him involved in different things, you

11 know, and Larry would back out and that really was

12 upsetting to Anthony.

13 So he had a lot of things he was telling me

14 that -- to make sure that I knew that -- you know, that

15 Larry didn't do what he was supposed to do, and Anthony,

16 you know, didn't like it and mostly that Larry owed him

17 money.

18 Q. During this two- to three-hour phone call

19 with Mr. Richards, could you describe his demeanor, and

20 by that I mean Mr. Richards, was he pleasant with you

21 the entire time, was he angry the entire time, would it

22 vacillate between one or the other?

23 A. Yeah, it would vacillate. Just he would get

24 angry on those points that I just brought up, but other

25 than that, he was concerned about telling me his story.

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1 He wanted information out there, you know. He would  
 2 just change from one subject to another and he would,  
 3 you know, be talking, say, about the money or whatever,  
 4 and then he'd go on to, well, you know, when he was here  
 5 in Oregon, blah, blah, blah, and he'd tell me about  
 6 that, and then oh, yeah, and so in Murphys this  
 7 happened, you know. It was -- and yes, his attitude,  
 8 his demeanor was okay until he was like kind of upset  
 9 and angry.

10 Q. With respect to the conversation itself, how  
 11 did it wrap up?

12 A. The very last thing Anthony said in that  
 13 conversation was he had his chain saws with him. Those  
 14 were his last words and I remember that.

15 Q. Did that strike you as unusual?

16 A. Yes.

17 Q. Why?

18 A. Because it was just -- it summed up  
 19 everything Anthony was saying in that conversation, that  
 20 this is all about the information I need you to know,  
 21 and had nothing to do with, well, I hope you find your  
 22 brother, or, you know -- or, hey, you know, if he wasn't  
 23 concerned, well, have him call me, or -- you know, it  
 24 was -- just had nothing to do with what --

25 Q. And again, from all reports, this is someone,

Page 95

1 sheriffs and he was very concerned about that, and  
 2 again, I'm hoping I'm getting the right conversation  
 3 right, because I don't -- they're kind of one big  
 4 conversation to me.

5 Q. Sure.

6 A. And so -- yeah, he was concerned about why  
 7 haven't they contacted me, he wanted to know what was  
 8 happening as far as his position in this, you know,  
 9 missing -- Larry missing situation.

10 Q. Now, you indicate that he called and said the  
 11 sheriffs hadn't talked to him. Had you indicated you  
 12 were going to contact law enforcement after speaking  
 13 with him?

14 A. I think the second conversation I told him I  
 15 had filed a missing person's report, so this may have  
 16 been maybe another conversation after that or --

17 Q. Okay, let's talk about that. You conclude  
 18 the initial phone call, that first three-hour phone call  
 19 with Mr. Richards.

20 How long after that do you file a missing  
 21 person's report?

22 A. I think about a week or so.

23 Q. And during that time, presumably, you hadn't  
 24 had any contact with Larry?

25 A. Right.

Page 94

1 Mr. Richards, who's closely tied financially to Mr.  
 2 Powers, they have investments together?

3 A. Right.

4 Q. So it struck you as unusual that his parting  
 5 words would be about another item?

6 A. Yes.

7 Q. And explaining their whereabouts?

8 A. Right.

9 Q. So the conversation, this initial  
 10 conversation, concludes after two or three hours.  
 11 How long passes before you speak to Mr.  
 12 Richards again?

13 A. I don't know when the second conversation  
 14 was. I don't know.

15 Q. That second conversation, was it as lengthy  
 16 as the first?

17 A. It was pretty decent, but not as lengthy.

18 Q. More than --

19 A. I'm going to say it was maybe -- I'm guessing  
 20 it was about an hour or so.

21 Q. And during this conversation, did he initiate  
 22 the call or did you?

23 A. I believe he initiated it.

24 Q. Okay. Did he explain why he was calling?

25 A. Just checking in. He hadn't heard from the

Page 96

1 Q. Had you heard of anyone else having any  
 2 contact with Larry?

3 A. No, I was -- that's what I was doing was  
 4 making lots of phone calls and trying to find out what  
 5 was happening before I filed a report. I was just  
 6 calling his friends and doing whatever I could.

7 Q. At this point are you aware now whether his  
 8 credit card was still being used?

9 A. I -- at this point I didn't even know his  
 10 credit card was being used, I don't think.

11 Q. Okay. You filed a police report. Do you  
 12 share the nature of this phone call with Mr. Richards  
 13 with law enforcement?

14 A. Yeah, yeah, I did.

15 Q. And is that why you believe law enforcement  
 16 might want to be in contact with Mr. Richards?

17 A. Right, maybe, or that I would believe it?

18 Q. Yes.

19 A. Yeah.

20 Q. To the best of your knowledge at this point,  
 21 was Mr. Richards the last person to see Mr. Powers  
 22 alive?

23 A. Yes.

24 Q. Now, the second phone call, you indicate it  
 25 was somewhat shorter, although still lengthy.

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1 What did you discuss?

2 MR. WILLIAMS: I'm going to object to the

3 conclusion that Anthony was the last person to see Larry

4 alive. I understand that was your opinion, but that's

5 also a conclusion, which is central to the issue in the

6 case, so I'm going to object to drawing legal

7 conclusions and speculative conclusions.

8 Q. BY MR. FISHER: Turning to that second phone

9 call, could you tell me what you discussed?

10 A. I -- again, I -- they're all one big blur of

11 conversations, and so specifically on the second, I

12 would say a lot of times since the first conversation,

13 he would repeat a lot of the stuff he said. And that's

14 where in some of the amounts and numbers were changed.

15 He told me basically from the first

16 conversation and on, he told me the whole story about

17 how he had, you know, picked up Larry in Murphys, taken

18 him down to Arizona, what had -- where they had gone and

19 what had ensued there, and how he brought him back to

20 Murphys and then how Larry and this other guy had left

21 Murphys the day -- the second or third day that Anthony

22 came back to Larry's house.

23 And Anthony says from there he went up to

24 Oregon and Larry and the other guy -- and this also

25 changed because at one time he said they were there a

Page 99

1 even having looked at Larry's statements or knowing any

2 of this, so he -- and that's why it was all pretty odd.

3 Q. And this mystery gentleman who drove Larry to

4 Oregon, did the description of that individual change?

5 A. Yes, it did. In fact, he never offered up a

6 description until several conversations down the road,

7 I'm not sure how many, again, but I asked him, so what

8 did this guy look like? It may have been in the first

9 conversation; again, I'm not sure, but in one of the

10 conversations I said, well, what did this guy look like?

11 And he said, you know, medium build, medium

12 this, brown hair, regular, not a druggie. He actually

13 said not a druggie, and then he goes, I'm assuming. And

14 then later on yes, his description changed. I believe

15 he said that -- to another person that he -- stocky

16 build and kind of a druggie-looking guy, and so the

17 description absolutely changed.

18 And then even further down, since the

19 sheriffs had been asking him a lot about the other guy

20 and he had nothing to offer up, he was very concerned in

21 these other conversations that, oh, he said to me, I

22 can't believe I -- I just can't remember him, and he

23 talked a lot about, well, I didn't know many of Larry's

24 other friends. And he was very distraught at the fact

25 that, you know, he didn't have more information about

Page 98

1 day before him and then he changed that to two days

2 before or something, you know, so the numbers there have

3 changed.

4 But anyway, Larry and this other guy were

5 camping at Ana Reservoir out there and he described --

6 Anthony described how Larry's there two and a half weeks

7 -- or a week and a half, week and a half. I think it's

8 a week and a half.

9 And all it ensued, you know, Larry came by

10 and they spent time together and they went out on the

11 dunes and Larry broke his truck there and so that's why

12 Anthony went and -- you know, got parts for his truck.

13 And Larry and he put together these obsidian

14 mobiles that Larry went off with the other guy and sold

15 in town, and different things that had happened while

16 they were there. He explained Larry tripped and broke

17 his printer, and so Larry owed him a new printer, and --

18 Q. Did it seem that -- well, let me ask you, was

19 Mr. Richards providing you reasons for purchases that

20 were appearing on the credit card?

21 A. That's exactly how it came across to me.

22 Q. So you would see a purchase for a printer, he

23 would provide you with a story of why that was

24 purchased?

25 A. Exactly. And this, again, was prior to me

Page 100

1 the other guy.

2 And at one time I got a phone call and he

3 said, you know, I think it might have been a guy from

4 Alaska, a friend of Larry's, and he was into growing pot

5 and, you know, maybe Larry was going to do this pot

6 growing thing with him or whatever, you know, so he was

7 trying to --

8 Q. Weave it into his narrative?

9 A. Offer -- yeah, offer up a new person that

10 this guy might have been.

11 Q. Now, at some point, and I know these

12 conversations kind of run together in your memory --

13 MR. WILLIAMS: I'm going to object to the

14 characterization that he weaved anything into a

15 narrative as speculative and not relevant. Thank you.

16 Q. BY MR. FISHER: At some point you begin to

17 record these conversations; is that correct?

18 A. Yes. After I had filed the missing person's

19 report, I told the -- Detective Crabtree, you know, that

20 I wrote down all this stuff and it's crazy and look at

21 it, and he did, he read it and I asked him -- maybe

22 after the second conversation I asked him can I record

23 these because it's really hard to write down all this

24 information for this long, and I'm not -- I'm not like

25 you, I can't do that. So he says absolutely, you can



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1 record it, so --

2 MR. WILLIAMS: Objection to hearsay, both

3 parts of that are hearsay; so go ahead.

4 Q. BY MR. FISHER: Ultimately you began

5 recording these phone calls?

6 A. Right.

7 Q. And did you inform Mr. Richards you were

8 recording these calls?

9 A. No, I didn't.

10 Q. Now, at this point you had spoken to Mr.

11 Richards for two to three hours; is that correct?

12 A. At what point?

13 Q. Well, just in the various first two phone

14 calls.

15 A. Right.

16 Q. You said you're well familiar with his voice?

17 A. Right, absolutely.

18 Q. And he's identifying himself when he calls?

19 A. Sure.

20 Q. You generated the recordings yourself?

21 A. Yes.

22 Q. And have you had a chance to review those

23 recordings?

24 A. I have.

25 Q. And do they fairly and accurately depict the

Page 103

1 on the State's Exhibit 1?

2 A. Yes.

3 Q. And those appear to be fair and accurate

4 representations?

5 A. Yes.

6 MR. FISHER: And for purposes of this

7 deposition, both parties stipulate that adequate

8 foundation has been established for those recordings

9 themselves.

10 Q. BY MR. FISHER: With that, ma'am, I'm going

11 to ask you, could you elaborate on the inconsistencies

12 in Mr. Richards' conversations with you that troubled

13 you?

14 A. The inconsistencies that troubled me. There

15 were so many.

16 Q. Well, we've talked a bit about a couple

17 already, the -- let's start at the beginning.

18 The value of the gold he recovered, correct?

19 A. Right.

20 Q. The amount of the gold recovered?

21 A. Right.

22 Q. The length of time he stayed at Murphys after

23 the visit to Arizona?

24 A. The length he -- oh, you mean that Larry

25 was --

Page 102

1 conversation that you and Mr. Richards had?

2 A. Yes.

3 Q. Did you preserve those recordings?

4 A. Yes.

5 Q. Did you provide them to law enforcement?

6 A. Yes.

7 Q. And if I played a snippet from one of those,

8 would you recognize it as that recording?

9 A. Yes.

10 Q. I'll play you a snippet from a recording on

11 what's been marked as State's Exhibit 1.

12 (Whereupon, State's Exhibit Number 1, an

13 audio CD, was premarked for identification, and a copy

14 is attached.)

15 MR. FISHER: I have no issue with the court

16 reporter not recording what is on the CD.

17 MR. WILLIAMS: Oh, yeah, no.

18 THE VIDEOGRAPHER: Counsel, can we just go

19 off the record. This mark the end of tape number 2.

20 The time is 12:31, we're going off the record.

21 (Off the record.)

22 THE VIDEOGRAPHER: We're back on the record

23 at 12:32 p.m.

24 Q. BY MR. FISHER: And to conclude, Ms., you've

25 had an opportunity to review the calls that were marked

Page 104

1 Q. Yes.

2 A. Oh, yeah, yeah. Well, I don't know about

3 that one, but there were inconsistencies like where he

4 told me where Larry's shaker table is. I said, well,

5 where is Larry's shaker table, and he told me that it

6 was dropped off at Larry's when he dropped Larry off at

7 Murphys and that Larry probably put it down the shed

8 where he keeps all his prospecting equipment.

9 And that changed, that story changed to it's

10 in the trailer that he's buying from Dean Knight, which

11 is in Arizona.

12 He also told me that Larry and the other guy,

13 when they went to Oregon, they took -- they drove to

14 Valley Springs and picked up Larry's generator and took

15 that to Oregon with them, because he specifically told

16 me that the guy's equipment would need a generator,

17 because -- whatever type of prospecting equipment it

18 was.

19 So later it turns out that that generator is

20 in Arizona and he gave that to Dean Knight with the

21 shaker table in exchange for the fifth wheel.

22 So there was those big ones.

23 Q. Did Mr. Richards -- let's talk about that for

24 just a moment. Did Mr. Richards tell you that your

25 brother Larry had approved trading the shaker table for

<p style="text-align: right;">Page 105</p> <p>1 the fifth wheel?</p> <p>2 A. Yeah. Well, when they were back in Arizona</p> <p>3 and Larry was testing out the shaker table, supposedly,</p> <p>4 Anthony said that Larry didn't like it, it was junk, it</p> <p>5 didn't work right, so he gave it to Anthony because of</p> <p>6 this money that he owed Anthony.</p> <p>7 So Anthony took the shaker table down to Dean</p> <p>8 Knight's a few days after they had supposedly tested it</p> <p>9 out, and he showed up at Dean Knight's. Larry wasn't</p> <p>10 with him, but he told Dean that Larry gave him the</p> <p>11 shaker table and Anthony asked Dean if he wanted to take</p> <p>12 it and sell it in exchange for the other half of the</p> <p>13 fifth wheel, because Larry had backed out of,</p> <p>14 supposedly, you know, wanting to buy the fifth wheel</p> <p>15 with Anthony. He changed his mind.</p> <p>16 And that's another thing that made Anthony</p> <p>17 very, very angry in our conversations, he was very angry</p> <p>18 about that. And so -- other inconsistencies.</p> <p>19 Well, he told me that Larry and the other guy</p> <p>20 had left Oregon on May 3rd and he says, I know that for</p> <p>21 a fact because I printed out a bunch of papers for them,</p> <p>22 you know, where they could go prospecting down on their</p> <p>23 way back to California, and I have that date, May 3rd</p> <p>24 for sure, and that's the date he printed up and gave it</p> <p>25 to Larry.</p>	<p style="text-align: right;">Page 106</p> <p>1 And -- and then -- well, we have credit card</p> <p>2 usage from way after that date on items that had been</p> <p>3 ordered from Anthony, for Anthony, whatever, and --</p> <p>4 Q. With respect to the credit card itself,</p> <p>5 you've had an opportunity to look at all the purchases;</p> <p>6 is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. And excluding perhaps gas to return to</p> <p>9 Murphys, was there a single purchase that would have</p> <p>10 been for Larry's use or benefit --</p> <p>11 A. No.</p> <p>12 Q. -- after being in Arizona?</p> <p>13 A. No. The only purchase Larry -- Larry made</p> <p>14 two purchases that were for his benefit, and that was</p> <p>15 the shaker table. And then they went to a mining store</p> <p>16 that same day and bought like 40 some odd dollars worth</p> <p>17 of mining equipment from that mining store, and that was</p> <p>18 it.</p> <p>19 Q. And do you know, prior to the purchase of the</p> <p>20 shaker table, whether Larry was carrying a balance on</p> <p>21 that card?</p> <p>22 A. No, nothing had been purchased on it.</p> <p>23 Q. So the card was -- had its complete credit</p> <p>24 line available?</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. And all of these factors contributed to your</p> <p>2 decision to begin recording these calls; is that</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. And the calls that you provided law</p> <p>6 enforcement are in fact accurate depictions of those</p> <p>7 later conversations?</p> <p>8 A. Could you repeat that?</p> <p>9 Q. Sure. The calls you provided to law</p> <p>10 enforcement are accurate depictions of those</p> <p>11 conversations?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 MR. FISHER: Thank you. That's all the</p> <p>15 questions I have at this time.</p> <p>16 MR. WILLIAMS: Are we going to stop before</p> <p>17 cross?</p> <p>18 MR. FISHER: We can. He just switched over</p> <p>19 so it's up to you.</p> <p>20 CROSS-EXAMINATION</p> <p>21 BY MR. WILLIAMS:</p> <p>22 Q. Well, you want to plow forward?</p> <p>23 A. Sure.</p> <p>24 Q. Okay. I'm going to be a little disjointed,</p> <p>25 I'm sorry about that, but there was points that came up</p>	<p style="text-align: right;">Page 108</p> <p>1 during your direct examination that I feel I must cover.</p> <p>2 So -- then I have to check my phone to make</p> <p>3 sure there's nothing that came in, so I'll try to make</p> <p>4 this as comprehensible as possible.</p> <p>5 So I think you said that Anthony knew -- I</p> <p>6 refer to him as LP. You want me to refer to him as LP</p> <p>7 or Larry, which one is better?</p> <p>8 A. Either one. LP is fine. I prefer Larry,</p> <p>9 everybody else calls him LP.</p> <p>10 Q. Okay. Larry Powers is LP, and that's really</p> <p>11 how Anthony spoke about him; isn't that true?</p> <p>12 A. Yes.</p> <p>13 Q. He referred to him as LP. So I think you</p> <p>14 said they knew each other since like 1990? He met him</p> <p>15 at a PG&amp;E helicopter workshop --</p> <p>16 THE COURT REPORTER: At a -- I'm sorry, you</p> <p>17 met him at a -- or he met him at a --</p> <p>18 THE WITNESS: PG&amp;E --</p> <p>19 THE COURT REPORTER: I'm sorry, I'm sorry, I</p> <p>20 need to get it from him.</p> <p>21 Q. BY MR. WILLIAMS: PG&amp;E helicopter work space;</p> <p>22 is that correct?</p> <p>23 A. That is correct.</p> <p>24 Q. All right. So by the time 2007 comes around,</p> <p>25 that's 17 years of knowing each other, correct?</p>

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1 A. Right, I guess, yeah.

2 Q. And would you have described them -- up until

3 all this stuff you told the State about, would you have

4 described them as friends?

5 A. Yes. Not close friends, but yeah, friends.

6 Q. Certainly. Friends enough to go traveling

7 together and do mining claims and things like that,

8 right?

9 A. Right.

10 Q. Okay. Did you keep track of how many times

11 they stayed at each other's houses?

12 A. No, I don't believe -- Anthony told me that

13 Larry had been up to his place twice, but that was -- he

14 was buying the property up there. And as far as I know,

15 I never heard of Anthony staying over at Larry's house.

16 You mean sleeping overnight or --

17 Q. Yeah.

18 A. Yeah; no, I don't think he ever slept over

19 that I've ever heard of.

20 Q. Stayed in the garage, did you ever hear that?

21 A. Stayed in the garage?

22 Q. Yeah, in LP's garage?

23 A. No. He may have, though.

24 Q. Okay.

25 A. Well, LP lived in his garage for a while

Page 111

1 Christmas Valley, that sounded like it's in the middle

2 of nowhere. Other than that, no, he -- I don't know, I

3 wouldn't have thought that, which I don't --

4 Q. Taking showers at the LMDA claim -- or at the

5 LMDA mining sites, that's not something everybody does.

6 A. Okay, okay.

7 Q. Had you ever even heard of a shaker table

8 before it came up in this conversation?

9 A. No, no.

10 (Reporter stopped proceedings.)

11 Q. BY MR. WILLIAMS: You talked about the flag

12 and the house and you said -- and I believe this is the

13 first time you went to the house, you said that his

14 vehicles were there?

15 A. Yes, yes.

16 Q. But he also traveled with Anthony, correct?

17 A. I didn't know that at the time.

18 Q. Okay. And it was Anthony's truck that was at

19 the Bagdad mining claim, because they needed to buy

20 parts for it?

21 A. Right.

22 Q. Okay.

23 A. Yes.

24 Q. So that wasn't really unusual for his

25 vehicles to be there because he was with Anthony?

Page 110

1 before he built his house.

2 Q. So if he was going to stay over with him,

3 that would have been the place to stay; isn't that fair?

4 A. During that time, sure, if he stayed over.

5 Q. And LP built that house, the house that was

6 the subject of the \$12,500-loan?

7 A. Yes.

8 Q. He built it out of recycled material?

9 A. Not that house, because that house he was

10 doing as like a spec house, and it was all official and

11 he had his contractor's license.

12 Q. I got it, okay. He built another house out

13 of recycled material?

14 A. He has.

15 Q. Do you know where he got that recycled

16 material?

17 A. Jobs, scraps when he worked at jobs, yeah,

18 because he was really thrifty.

19 Q. Got it. And would you agree that LP lived an

20 unconventional life?

21 A. Yeah, I would say unconventional, yeah.

22 Q. And from what you know of Anthony, wouldn't

23 you agree that he led somewhat of an unconventional

24 life, too?

25 A. I don't know. I guess when he moved out to

Page 112

1 A. Right, in that respect it wasn't, but I

2 didn't -- I thought well, he's not here and he's not in

3 his vehicle, so --

4 Q. Did you see any sign of violence at the

5 house, this is LP's house, when you went to check on

6 him?

7 A. No.

8 Q. Did you --

9 MR. WILLIAMS: I have some exhibits here.

10 This is Exhibit Number 2, and for purposes of this, it's

11 the pictures, for the record.

12 (Whereupon, Defense Exhibit Number 2, five

13 photographs, was marked for identification, and a copy

14 is attached.)

15 Q. BY MR. WILLIAMS: Could you look at those,

16 please?

17 A. Uh-huh, yeah.

18 Q. Describe for the record what those pictures

19 are.

20 A. Okay, this is the picture of -- that I took

21 of Larry's Valley Springs house, and my husband is there

22 weedeating so we can clean it up.

23 Q. There's more than one picture.

24 A. This is Larry's house, called it the tree

25 house, in Murphys, the one he built with recycled

Page 113

1 whatever.

2 Q. Okay.

3 A. Yep. I believe I took that picture, too.

4 Q. And these pictures, correct me if I'm wrong,

5 were taken post talking to Anthony Richards, correct?

6 A. Possibly.

7 Q. Possibly; you don't know for sure?

8 A. Probably.

9 Q. Okay.

10 A. I mean, like the first conversation?

11 Q. After you talked to him the first time?

12 A. Yeah, I would think so.

13 Q. Okay.

14 A. Okay, these two, anyway. Yeah, this is I

15 believe going down toward his road because I wanted to

16 show how long that entrance is where you can see his

17 flag.

18 Q. Right.

19 A. Although in this picture you can't see it.

20 Q. You can't see the flag in the picture, right?

21 A. No. And this is his cabin in Bear Valley.

22 Q. Okay.

23 A. This one here. And this is his garage where

24 he lived while he was building the house in Murphys, and

25 then this is where the door that was --

Page 115

1 Q. Okay. And you had said that you had come

2 back and there hadn't really been any signs of activity

3 between your conversations with Anthony Richards,

4 correct?

5 A. Right.

6 Q. All right. And in these pictures, I'll let

7 you look at them again, it doesn't look to me like

8 there's any damage to the house.

9 Can you tell me if there is any damage?

10 A. Damage to the house?

11 Q. In other words, somebody going up there and

12 trying to steal the windows out of them, or trying to

13 break in and take stuff out of the inside?

14 A. No.

15 Q. And you did find a map sitting on top of the

16 hood of a Corvette inside of the garage, correct?

17 A. Right.

18 Q. It had coordinates on it that was in your

19 brother's handwriting?

20 A. Right.

21 Q. All right. And do you know where those

22 coordinates were leading to?

23 A. I didn't until I looked it up and it showed

24 the area where their claim site is.

25 Q. In Bagdad?

Page 114

1 Q. We're referring to Exhibit 2, and that's the

2 last picture in that group of pictures, correct?

3 A. Yes.

4 Q. Okay. And that picture is the one that Larry

5 -- or the garage that Larry lived in while he was

6 building?

7 A. Correct.

8 Q. Okay. Is that the garage that was not

9 locked?

10 A. Yes, this door here was the one.

11 Q. Okay.

12 A. But the -- the entrance door was locked, but

13 this big door wasn't.

14 Q. Could you get from the garage inside of the

15 house without going to the front door or any other

16 outside door?

17 A. Without going to the front door of what?

18 Q. Some houses have a garage, right, and there's

19 a garage door that goes out into the garage from inside

20 the house.

21 A. Oh, no, the house is totally separate from

22 the garage.

23 Q. Okay, fair enough. So you would had to have

24 left that garage to go into the house?

25 A. Yes.

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1 A. Yes.

2 Q. Okay. That would have been Larry's and

3 Anthony's --

4 A. Claim site.

5 Q. -- claim site?

6 A. Correct.

7 Q. Okay. So at least in your mind, that had

8 been some evidence that they were heading that way or

9 had been there or something along those lines?

10 A. I can't -- that's what I took it as when I

11 first saw it.

12 Q. Okay. There was a phone that Larry had --

13 that LP had, but it was in your son, Bay Webster's name,

14 correct?

15 A. Uh-huh.

16 Q. Can you tell us why that was?

17 A. Yeah. That was because Larry had some issues

18 with the phone company he had been with and I think he

19 -- he was really upset at whatever had gone on, I don't

20 know what it was, I don't know the details about it, but

21 he asked my son if he would put the phone in his name.

22 MR. WILLIAMS: I want to move for admission

23 of D-2.

24 MR. FISHER: No objection.

25 MR. WILLIAMS: Thanks.

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1 (Whereupon, Defense Exhibit Number 2, as  
 2 previously described, was received into evidence.)  
 3 MR. WILLIAMS: Sometimes you get ahead of  
 4 yourself.  
 5 Q. BY MR. WILLIAMS: Okay. Just to be perfectly  
 6 clear, you had had this regretful exchange of the word  
 7 opportunist with Larry on the phone and that was the  
 8 last time you ever talked to him; is that correct?  
 9 A. Well, I bumped into him in Walmart one time  
 10 after that. We just said hi, yeah; so that was pretty  
 11 much the last time I talked to him.  
 12 Q. Was that awkward?  
 13 A. What?  
 14 Q. Bumping into him without having talked to  
 15 him?  
 16 A. No, no, but I had hoped, you know, we were  
 17 able to spend more time, but he was shopping, I was  
 18 shopping, so -- it wasn't awkward, it was just a bumping  
 19 into.  
 20 Q. I gotcha. Now, the horse, I was curious as  
 21 to -- you said that Anthony had a girlfriend and he  
 22 bought the horse for his girlfriend. That was your  
 23 horse, correct?  
 24 A. I don't know if he bought it for her. She  
 25 bought it from me, I don't know whose money it was.

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1 A. During when?  
 2 Q. This period of time that you're having  
 3 conversations, do you know whether or not Anthony  
 4 Richards was also having conversations with other  
 5 people?  
 6 A. Yes.  
 7 Q. All right. And so you're both having  
 8 conversations about -- ostensibly about LP, right?  
 9 A. Correct.  
 10 Q. And so on the one hand you're saying, I can't  
 11 remember specifically what I said or what he said on  
 12 what occasion, here's what I remember what he said,  
 13 correct?  
 14 A. Some things I specifically remember and other  
 15 things I don't.  
 16 Q. Is it possible that he also may have mixed up  
 17 sequences or remembered some information better than  
 18 others because he, too, was talking to a lot of people?  
 19 A. Well, this is eleven years later, and that  
 20 was like a couple months in, so I don't know.  
 21 Apparently, yeah, I guess anybody can forget anything,  
 22 so --  
 23 Q. Okay. Well, you put 30 people in a room and  
 24 tell the first person the story, by the time you get to  
 25 the 30th one, it's not exactly the same story. You've

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1 Q. Fair enough. The horse was bought.  
 2 A. Uh-huh.  
 3 Q. She's the one that wanted it?  
 4 A. Right.  
 5 Q. Okay. And you saw them at the feed store.  
 6 Do you know where they were living at the time?  
 7 A. I think -- I didn't know, but -- oh, I think  
 8 it was out in Mountain Ranch, somewhere out in Mountain  
 9 Ranch, because they had the horse, so I think that's  
 10 where they were when they had the horse.  
 11 Q. Okay. One of the things I'm curious about is  
 12 that you had said several times when you were talking  
 13 about the recordings that -- and correct me if I  
 14 mischaracterize this, okay? I got it like there was a  
 15 lot of information and you couldn't exactly say which  
 16 recording or which conversation that you got each nugget  
 17 from?  
 18 A. Yes, that's true. Some on -- a few things I  
 19 know are from like the very first one, but yeah, a lot  
 20 of it's just him repeating himself a lot, and I'm not  
 21 sure which conversations are which.  
 22 Q. And do you know -- and I don't want you to  
 23 repeat any part of any conversation, but do you know  
 24 from personal experience that Anthony Richards was also  
 25 talking to other people?

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1 heard that when you're in school, I'm sure?  
 2 A. Right.  
 3 Q. And you mentioned that he had -- well, you  
 4 didn't really mention it, you kind of demonstrated it  
 5 while you were sitting here and answering questions, you  
 6 kept acting like when Larry -- or excuse me, when  
 7 Richard -- Anthony was answering a question, that you  
 8 felt like he was like reading from something or he had  
 9 some kind of order in which he wanted to go to, because  
 10 that's how you were demonstrating it.  
 11 A. Right, that's how it felt, that's what I  
 12 heard from my end.  
 13 Q. Okay.  
 14 A. Yeah.  
 15 Q. Did you have any proof of that or did you  
 16 ever ask him, what, are you reading this?  
 17 A. No, I didn't, I didn't ask him that.  
 18 Q. Okay. Fair enough. And you mentioned -- I  
 19 wanted to talk to you a little bit about -- and again,  
 20 if I characterize something you don't agree with, I want  
 21 you to tell me, okay? But I've heard a lot about LP's  
 22 contrary ways; for instance, getting mad about being  
 23 called an opportunist I think is a little contrary, but  
 24 I don't know how you took it.  
 25 A. He didn't get mad, he was hurt.

<p style="text-align: right;">Page 121</p> <p>1 Q. Hurt, okay.</p> <p>2 A. Hurting.</p> <p>3 Q. But stopping talking to somebody is a pretty</p> <p>4 extreme resolution to that.</p> <p>5 A. Although, that's kind of how he did it,</p> <p>6 that's what -- he's done that with other friends. His</p> <p>7 best friend Craig, they didn't talk for five years at</p> <p>8 one time.</p> <p>9 Q. Tell me about his dad. I read somewhere that</p> <p>10 you had written down that somebody finally had to burn</p> <p>11 your dad's paddle because of his relationship with LP?</p> <p>12 A. Yeah. Well, it was just that my dad -- my</p> <p>13 mom and my dad both drank, they were alcoholics, and</p> <p>14 yeah, my dad kind of picked on Larry in general, I'd say</p> <p>15 out of all of us, and, you know, he'd get mad at him and</p> <p>16 spank him, beat him up, and it was not good.</p> <p>17 Q. I believe you referred to it as "because of</p> <p>18 his lively ways"?</p> <p>19 A. Well, yeah, because it was -- Larry was just</p> <p>20 happy, energetic good guy, and, you know, he didn't</p> <p>21 always do like the chores maybe that he was supposed to</p> <p>22 do, like my other brother was so to the book. He was</p> <p>23 compared to my other brother so much because my other</p> <p>24 brother was straight arrow, get it done, do what you</p> <p>25 have to do, follow the rules; and Larry was just</p>	<p style="text-align: right;">Page 122</p> <p>1 energetic and a little more I guess on the ADD side</p> <p>2 where he was just -- wouldn't always do what he was</p> <p>3 supposed to do, I guess.</p> <p>4 I mean, I'm a lot younger, I'm six years</p> <p>5 younger, so when this was happening, I never knew</p> <p>6 specifically why Larry was getting spanked at the time</p> <p>7 he was getting spanked, you know, so that's just</p> <p>8 literally my guess as a little kid growing up in that</p> <p>9 family.</p> <p>10 Q. Well, he never -- from what I can determine,</p> <p>11 he never got married?</p> <p>12 A. Right, he never got married.</p> <p>13 Q. Never had any kids?</p> <p>14 A. No.</p> <p>15 Q. He had, from what I gather, a good</p> <p>16 relationship with your son Bay?</p> <p>17 A. Yep.</p> <p>18 Q. Introduced Anthony to your son Bay to go out</p> <p>19 and learn how to do their radio controlled airplanes,</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. That says to me that Larry and Anthony were</p> <p>23 friends, that he would go to his -- you know, his friend</p> <p>24 and say, teach my nephew how to fly this plane?</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. Came to your house and you didn't say, ah, h,</p> <p>2 no, you're not going anywhere with my kid?</p> <p>3 A. No; yeah, they were friends.</p> <p>4 Q. Okay.</p> <p>5 A. Uh-huh.</p> <p>6 Q. And any -- anything further about the</p> <p>7 relationship between Anthony and Bay?</p> <p>8 A. No, it was brief. I think they went out to</p> <p>9 the flight place a few times, maybe three, maybe four</p> <p>10 times, not many, and then just that was it. I don't</p> <p>11 know what happened or why, it was just a short-lived</p> <p>12 thing.</p> <p>13 Q. You would agree that the radio controlled</p> <p>14 planes was a mutual interest between both Larry and</p> <p>15 Anthony?</p> <p>16 A. No, not Larry. Larry wasn't into it. My</p> <p>17 son, we had gotten him an airplane so he was into it,</p> <p>18 but not Larry.</p> <p>19 Q. Not Larry. Larry did not care for the radio</p> <p>20 controlled planes?</p> <p>21 A. I mean, they were okay but he never went out</p> <p>22 with them on any of these things or flew airplanes with</p> <p>23 him or did any of that. I think we actually gave Larry,</p> <p>24 it might have been a remote control something for</p> <p>25 Christmas, but he never -- I don't even think he flew</p>	<p style="text-align: right;">Page 124</p> <p>1 it.</p> <p>2 Q. Okay, fair enough.</p> <p>3 A. Yeah.</p> <p>4 Q. So the part about Anthony talking to you</p> <p>5 about the money, this is, again, you have not talked to</p> <p>6 LP for quite a while. How much did LP get in his</p> <p>7 inheritance from his mom?</p> <p>8 A. I think around 80,000.</p> <p>9 Q. Okay.</p> <p>10 A. I'm -- somewhere.</p> <p>11 Q. How about from his dad?</p> <p>12 A. Like thirty something.</p> <p>13 Q. So all told, about \$110,000?</p> <p>14 A. Yeah. Way different time spans, though.</p> <p>15 Q. I gotcha.</p> <p>16 A. Yeah.</p> <p>17 Q. He used part of it to learn how to fly a</p> <p>18 helicopter, correct?</p> <p>19 A. Yes, almost all of it, I think.</p> <p>20 Q. Right. Did you ever ask him why he didn't go</p> <p>21 into being a commercial helicopter pilot once he got</p> <p>22 that license?</p> <p>23 A. No. He talked about it, but then he just --</p> <p>24 I don't know, I never really asked him.</p> <p>25 Q. I gotcha.</p>

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1 A. Yeah.

2 Q. And were you aware of whether or not Anthony

3 had been in the military service?

4 A. In those conversations he told me that he

5 learned how to shoot, he was a marksman, so maybe that

6 was through the military. I'm not positive.

7 Q. Okay, fair enough. And that's not a

8 conversation you ever had with LP about Anthony?

9 A. No.

10 Q. How much did you talk to LP about Anthony?

11 A. Not much. It would be during those times

12 when Larry would come over, you know, hang out here

13 after working in the yard and we'd just visit a lot.

14 And he talked about a lot of people, actually, you know.

15 He talked about other friends, good friends, and what's

16 going on and whether he had -- whatever, but --

17 What did he tell me about Anthony. Not much.

18 We -- not much. I mean, he may have said he's going to

19 do something. Oh, he told me about the property up in

20 Christmas Valley that he was thinking of buying. It was

21 across from Anthony, that Anthony lives up there. And

22 he told me it's out in the middle of nowhere and it's

23 got like ash, and he was talking about how the sound is

24 really good and all that. So I knew Anthony had moved

25 up there from what Larry said there.

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1 A. Yeah.

2 Q. What about engineers, do you know a lot of

3 engineers?

4 A. A lot of engineers? No, I know one.

5 Q. Okay. In your experience with engineers, do

6 they speak like normal people speak? Do they have a

7 linear chain of thought or do they --

8 A. I have no --

9 Q. -- or think a little differently?

10 A. Engineers? Oh, well, the one I know was --

11 went to school with my son. And I don't know him as an

12 engineer, I know who he is, is he's an engineer, but

13 when he was a kid, he spoke regular normal speaking.

14 Q. Okay. Do you know that Anthony actually was

15 going to design the wings for the ultralight?

16 A. Okay, it was the wings. I didn't remember

17 what it was, okay.

18 Q. He actually did make two sets of wings for

19 that thing.

20 A. Okay.

21 Q. You didn't know that?

22 A. No.

23 Q. Okay. So on the subject, you called him, you

24 don't know where LP is, and at this point you're

25 worried, right?

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1 Oh, I knew there were -- oh, I know what he

2 said. They were doing this ultralight project together

3 where Larry was going to build the ultralight and

4 Anthony was supposed to supply something, and I thought

5 it was the engine or the motor or whatever that goes on

6 one.

7 And he was not happy because Anthony had not

8 done whatever Anthony was supposed to do, and I don't

9 remember exactly what -- what he was supposed to provide

10 for this thing that they were doing together.

11 Q. On that subject, did LP have any kind of

12 specialized training in designing aircraft?

13 A. No. No, but he was very creative, he -- you

14 know. You say I need a something or other, he'd build

15 it, he'll make it happen.

16 Q. Were you aware that Anthony had specialized

17 training in aircraft?

18 A. I knew he was a mechanic.

19 Q. Okay. And I want to take two questions, they

20 may sound odd to you, but I'm just going to ask them

21 anyways. Do you know a lot of mechanics?

22 A. Airplane mechanics?

23 Q. Yes.

24 A. I know one right now.

25 Q. All right.

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1 A. Right.

2 Q. So you call him and Anthony does call you

3 back, correct?

4 A. Yes.

5 Q. All right. And then he tells you this

6 three-hour conversation; he tells you many details over

7 the three-hour conversation?

8 A. Yes.

9 Q. And as we're sitting here today, Anthony's

10 been charged with the murder of LP, and you participated

11 in supplying information and gathering information,

12 correct?

13 A. Yes.

14 Q. Part of the information is that Anthony would

15 call you and tell you things, correct?

16 A. Yes.

17 Q. So he wasn't hiding from you?

18 A. No, he wasn't.

19 Q. And do you know how many times he talked to

20 law enforcement?

21 A. Anthony?

22 Q. Uh-huh.

23 A. I know he was very upset because he wanted to

24 tell them his story.

25 Q. Okay. Did you know that he actually did talk

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1 to them?

2 A. Yeah, on a few occasions I knew of them. I

3 don't know -- there may be some that I don't know of,

4 but yeah.

5 Q. Doesn't appear that he was hiding from them

6 either, correct?

7 A. Right.

8 Q. And to the best of your knowledge, he didn't

9 move, he didn't take off, he didn't disappear from the

10 face of the earth?

11 A. Anthony, no.

12 Q. Right. So the fact that he would get on the

13 phone with you and express anger about LP -- you know

14 the term or the word veracity?

15 A. Veracious, I don't know what --

16 Q. Veracity, like it tends to be more truthful,

17 it has a truthful component to it.

18 A. Okay. I don't know that term actually.

19 Q. Okay, fair enough. Let's just use more plain

20 English. He's calling you and he's expressing anger to

21 the sister that's looking for her brother, and he's

22 expressing anger about that brother.

23 A. Uh-huh.

24 Q. Right?

25 A. Right.

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1 MR. WILLIAMS: Fabulous.

2 THE WITNESS: Could you repeat that again,

3 I'm sorry.

4 Q. BY MR. WILLIAMS: There was talk about --

5 this is from Anthony and your conversation.

6 A. Okay.

7 Q. That he talked about that Larry could make

8 money from growing marijuana?

9 A. Okay, Anthony talked about that, okay, yeah.

10 Q. Do you recall that?

11 A. Right.

12 Q. Okay. And you basically said you didn't know

13 anything about that?

14 A. Well, I know you can make money growing pot,

15 but Larry didn't grow pot to make money that I ever knew

16 of.

17 Q. Did he tell you that -- I think his name is

18 Mike Curtin.

19 A. Uh-huh.

20 Q. That was the person that supplied the

21 marijuana seeds to LP?

22 A. I don't --

23 MR. FISHER: I'm going to renew the objection

24 to hearsay.

25 THE WITNESS: I don't believe that's so

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1 Q. Now, the reason you started recording him and

2 the reasons this started happening is because you

3 suspected he had something to do with LP's

4 disappearance, correct?

5 A. Uh-huh.

6 Q. But he didn't shy away with telling you about

7 their plans, his anger with failure to follow through

8 with plans, et cetera, correct?

9 A. Correct.

10 Q. He also told you about marijuana, correct?

11 A. Correct.

12 Q. You had discussions about marijuana?

13 A. Yes.

14 Q. And one of the things that he had told you

15 that -- is that -- about Larry smoking pot and Larry

16 wanting to grow pot?

17 A. Right.

18 Q. Do you recall that?

19 A. Right.

20 Q. And you had mentioned that he had talked --

21 well, he said Larry would smoke pot and you think he

22 talked about the fact that he would grow pot and that he

23 could make money off of growing pot?

24 MR. FISHER: I'm going to object to hearsay

25 as to anything your client said.

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1 because Mike is not that kind of guy.

2 Q. BY MR. WILLIAMS: Well, that wasn't an answer

3 to my question.

4 A. Oh, I'm sorry.

5 Q. My question is, did he tell you anything

6 about Mike Curtin being the supplier of the seeds?

7 A. Oh, did Anthony?

8 MR. FISHER: Objection --

9 THE WITNESS: He --

10 MR. FISHER: -- hearsay --

11 (Court reporter stopped proceedings.)

12 MR. FISHER: Yeah, objection, hearsay within

13 hearsay.

14 THE WITNESS: You know, he said that -- I

15 think he threw out there, oh, well, some -- he would go

16 and get seeds from some guy in Tahoe, but I don't know

17 that he was referring to Mike Curtin, because Mike

18 Curtin -- if he was, he was wrong, I think. I know Mike

19 Curtin, I don't think he's that kind of guy, but --

20 Q. BY MR. WILLIAMS: Okay. Do you know whether

21 or not LP ever consumed marijuana?

22 A. Yes, he has.

23 Q. Okay. Do you know that -- whether or not he

24 was consuming it in 2007?

25 A. I don't believe he was.



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1 MR. FISHER: Objection, relevance.  
 2 THE WITNESS: I don't believe he was. He  
 3 hadn't consumed it for quite some many years, that I  
 4 knew of.  
 5 Q. BY MR. WILLIAMS: All right. The next three  
 6 questions are, did you know whether or not he ever sold  
 7 marijuana?  
 8 MR. FISHER: Objection, relevance,  
 9 foundation --  
 10 THE WITNESS: He never --  
 11 (Court reporter stopped proceedings.)  
 12 MR. FISHER: Objection, foundation;  
 13 relevance.  
 14 THE WITNESS: And did he sell it? I've never  
 15 ever known of any -- Larry selling any marijuana ever.  
 16 Q. BY MR. WILLIAMS: Okay. Do you know whether  
 17 or not he used any other drugs?  
 18 MR. FISHER: Objection, relevance.  
 19 Q. BY MR. WILLIAMS: And I'm talking --  
 20 MR. FISHER: Also vague, time frame.  
 21 MR. WILLIAMS: I'll get there.  
 22 THE WITNESS: Okay.  
 23 Q. BY MR. WILLIAMS: Any kind -- within --  
 24 A. When he was in his twenties, yeah, he did  
 25 like acid a couple of times that he told me about, you

Page 135

1 about, I can tell you somebody stuffs a napkin in my  
 2 mouth, that's the last time I ever talk to them, we're  
 3 done.  
 4 A. Right, and that's why Larry was really  
 5 unhappy with the way Anthony was behaving. He told his  
 6 friend in Arizona that during that trip that they were  
 7 on.  
 8 Q. Well, all those people went to the mining  
 9 claim, though, Craig Comstock, LP, Anthony, they all  
 10 went to that mining claim together?  
 11 A. Right.  
 12 Q. You were not there?  
 13 A. No.  
 14 Q. Okay. Bank records. You had supplied some  
 15 bank records to police or law enforcement, and did you  
 16 ever locate all of Larry's bank records?  
 17 A. All of them or all of them from the time he  
 18 was missing?  
 19 Q. Well, leading up to that time; for instance,  
 20 receipts for the -- I know the \$110,000 is split into  
 21 two amounts over different periods of time, but did you  
 22 have receipts for where he spent that money?  
 23 A. 110,000?  
 24 Q. Inheritance.  
 25 A. Oh. No, nobody asked for all that -- from

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1 know, with friends, whatever.  
 2 Q. Nothing other than that?  
 3 A. No.  
 4 Q. A little closer in time to 2007, you didn't  
 5 suspect anything?  
 6 A. No, no. It was the 60s, you know.  
 7 Q. Okay. So you talked about a couple of things  
 8 that happened between Larry and -- or LP and Anthony.  
 9 This is Anthony telling you this happened, right?  
 10 A. Correct.  
 11 Q. The napkin in the mouth incident, for  
 12 instance?  
 13 A. Right.  
 14 Q. And it sounded like that Anthony was  
 15 punishing him in a way, putting a napkin in the mouth  
 16 and kind of preventing him from talking as a punishment,  
 17 right?  
 18 A. Sure, you could look at it that way.  
 19 Q. Do you think that's something that Larry  
 20 would have put up with?  
 21 A. What do you do? I mean, he's not going to  
 22 pound him down. You stick a napkin in his mouth, before  
 23 you know it, it's over, and I don't know what you mean  
 24 by that really. Something you would have put up with?  
 25 Q. Any of that behavior that you were talking

Page 136

1 way back when? No.  
 2 Q. Yeah. So nobody's asked for it?  
 3 A. I think one of the detectives said they were  
 4 going to like -- you know, what is it.  
 5 Q. Subpoena?  
 6 A. Subpoena them, yeah, so I think they all have  
 7 that. I didn't look all that up.  
 8 Q. I believe that you either came to the  
 9 conclusion or were told that LP was last seen on May  
 10 3rd?  
 11 A. Yes, by Anthony.  
 12 Q. And you did not report him missing until June  
 13 27th?  
 14 A. Right. Well, I didn't get this information  
 15 on May 3rd, I got that information in conversations  
 16 later.  
 17 Q. But you went to the house in April because  
 18 the neighbor called you, and you went to the house and  
 19 the flag was up and he hadn't been there; and you don't  
 20 know if it was that trip or the next trip that the  
 21 garage door was unlocked?  
 22 A. Right.  
 23 Q. So between April and June 27th, you hadn't  
 24 reported that?  
 25 A. Was it June 27th? Okay.

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1 Q. I believe so, yeah. \

2 A. All right.

3 Q. Let me find June 27th in here. Because

4 again, I was -- I'll apologize for jumping around a

5 little bit, but when you listen to direct --

6 MR. FISHER: I have June 25th.

7 MR. WILLIAMS: June 25th, I'm wrong. Yeah.

8 Q. BY MR. WILLIAMS: You filed a missing

9 person's report with Calaveras County -- Calaveras

10 County?

11 A. Correct.

12 Q. Okay. Hold on just a second. You had told

13 Detective Bicker that Anthony said that the shaker table

14 was in storage in either Stanton or Quartzite. Do you

15 recall that?

16 A. The very first time Anthony told me, he said

17 it was down at Larry's house.

18 Q. Okay.

19 A. And then yes, I believe there was another

20 conversation where he said that.

21 Q. Okay. Do you recall LP and Larry come -- LP

22 and Larry, I'm sorry. LP and Anthony coming to pick up

23 your Mercedes?

24 A. Oh, yeah, right. Oh, here at the house?

25 Q. Yeah.

Page 139

1 A. No.

2 Q. And really, Anthony specialized in Datsuns,

3 Nissans, so that's an extension of that, so he was --

4 did you know any of that?

5 A. No. In the conversation he told me about his

6 truck being one and going on and on about it, but other

7 than that, I don't know he specializes in them.

8 (Whereupon, Defense Exhibit Number 1, a

9 photograph, was premarked for identification, and a copy

10 is attached.)

11 Q. BY MR. WILLIAMS: Okay. This exhibit is

12 Number 1. Does that have any meaning to you?

13 A. No.

14 Q. You have run --

15 A. I didn't take that picture or anything.

16 Q. No, you did not. Somebody on the Internet

17 took this picture.

18 A. Okay.

19 Q. But there was a discussion about a Star nine

20 millimeter?

21 A. Yes.

22 Q. And that you had run some serial numbers and

23 hoping to find LP's guns, right?

24 A. Right.

25 Q. Were you aware that Craig Comstock and LP

Page 138

1 A. Yeah.

2 Q. And when would that have been, do you know?

3 A. Gosh. I don't recall. That was years ago.

4 Q. Okay. They came together, though, right?

5 A. Right, I think so.

6 Q. Okay. And were you aware that --

7 MR. WILLIAMS: I got to put this back so

8 people can see, I'm sorry about that, fellas. I can

9 tell you I'm not digging on this thing.

10 Okay, can you guys see or did I totally screw

11 that up?

12 MR. FISHER: Do you want to go off record for

13 a minute?

14 MR. WILLIAMS: I can get it. Let's go off

15 the record for just a second.

16 THE VIDEOGRAPHER: We're going off the record

17 at 1:14 p.m.

18 (Off the record.)

19 THE VIDEOGRAPHER: We're going back on the

20 record. We're back on the record at 1:22 p.m.

21 Q. BY MR. WILLIAMS: Okay. I wanted to know if

22 you were aware that Anthony gave LP some vehicles, like

23 a Nissan truck and a --

24 A. No.

25 Q. You're not aware of any of that? Okay.

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1 bought their Star nine millimeters at the same time?

2 A. Yeah, I discovered that later, yeah, through

3 our talks.

4 Q. All right.

5 A. Uh-huh.

6 Q. Never found any of LP's guns?

7 A. Found all except for the Star and another one

8 which I found out he had sold -- sold to a friend, a

9 neighbor of his, a friend and neighbor.

10 Q. Okay.

11 A. Yeah.

12 MR. WILLIAMS: That's it, I'm done.

13 REDIRECT EXAMINATION

14 BY MR. FISHER:

15 Q. And I just have a couple of follow-up

16 questions.

17 A. Okay.

18 Q. Then I promise we're almost there.

19 Mr. Williams asked you a couple of questions

20 about how it appeared that the defendant, Mr. Richards,

21 wasn't hiding from you, correct; he was returning your

22 phone calls?

23 A. Right.

24 Q. Do you believe he was using you?

25 A. Using me?

<p style="text-align: right;">Page 145</p> <p>1 can find him or --</p> <p>2 Q. He never showed any concern about the</p> <p>3 location of his only friend for nearly two decades?</p> <p>4 A. Right.</p> <p>5 MR. WILLIAMS: Objection, that's asked and</p> <p>6 answered.</p> <p>7 Q. BY MR. FISHER: Now, I guess the final area I</p> <p>8 want to plow into, and that is -- that was broached by</p> <p>9 defense counsel, was your relationship with Larry.</p> <p>10 Defense counsel asked you a couple of questions about</p> <p>11 how it ended, how you bumped into him once at a Walmart.</p> <p>12 Is it fair to say you wish you had more time</p> <p>13 to repair that relationship?</p> <p>14 A. Oh, yeah, I wish I'd done it immediately as</p> <p>15 soon as it happened. I regretted every day and I didn't</p> <p>16 think about it then because it was just like Larry's</p> <p>17 there, I'm here, we're a thing, but I love Larry to</p> <p>18 pieces, he's my brother. I mean, we got along great.</p> <p>19 Q. And that's in spite of the --</p> <p>20 A. I miss him terribly. The one time -- yeah,</p> <p>21 it was only that one time. And it wasn't like we didn't</p> <p>22 get along, he was hurt by what I said and he didn't want</p> <p>23 anything to do with me because of it, and like I say,</p> <p>24 that's how Larry handled stuff, you know.</p> <p>25 Q. If you had known it was -- if you had known</p>	<p style="text-align: right;">Page 146</p> <p>1 it was the last day you saw him at Walmart, would you</p> <p>2 have handled it differently?</p> <p>3 A. Oh, yeah, oh, yeah. I would have said, come</p> <p>4 on over today, come on over or whatever, yeah,</p> <p>5 absolutely. I wouldn't have let him go. I would grab</p> <p>6 his hand and never let go.</p> <p>7 MR. WILLIAMS: I'm going to object to the</p> <p>8 relevance and speculative nature of that, emotions</p> <p>9 aside.</p> <p>10 MR. FISHER: That's all the questions I have,</p> <p>11 thank you.</p> <p>12 THE VIDEOGRAPHER: This marks the end of the</p> <p>13 deposition of Joan Shattuck. The time is 1:32 p.m.,</p> <p>14 we're off the record.</p> <p>15 THE COURT REPORTER: And before we go off the</p> <p>16 record, Counsel would you like a copy of the transcript?</p> <p>17 MR. WILLIAMS: Yes, please.</p> <p>18 MR. FISHER: And I guess I -- before we go</p> <p>19 off the record, let me -- you're off of video, this is</p> <p>20 more I guess on the audio. Not admitting this because I</p> <p>21 assume we're having discussions about certain</p> <p>22 portions --</p> <p>23 MR. WILLIAMS: Yes.</p> <p>24 MR. FISHER: So I can -- you can admit that</p> <p>25 if you like.</p>
<p style="text-align: right;">Page 147</p> <p>1 MR. WILLIAMS: I'd move to admit Defense</p> <p>2 Exhibit Number 1. Thank you.</p> <p>3 (Whereupon, Defense Exhibit Number 1, as</p> <p>4 previously described, was received into evidence.)</p> <p>5 MR. FISHER: We've established there was</p> <p>6 adequate foundation for its admission, so I'm going to</p> <p>7 seek, I guess, provisionally to admit it, for purposes</p> <p>8 of technicalities.</p> <p>9 MR. WILLIAMS: I understand.</p> <p>10 MR. FISHER: And subject to any redactions</p> <p>11 that are ordered.</p> <p>12 MR. WILLIAMS: I get it and I agree to that.</p> <p>13 MR. FISHER: Okay, thank you. That's it.</p> <p>14 (Whereupon, State's Exhibit Number 1, as</p> <p>15 previously described, was received into evidence.)</p> <p>16 (Whereupon, the matter concluded at 1:31</p> <p>17 p.m.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 148</p> <p>1 (No stipulation being entered to the</p> <p>2 contrary, the witness shall have 30 days after</p> <p>3 completion of the transcription of the foregoing</p> <p>4 deposition within which to review, correct, and sign the</p> <p>5 original of said transcript; and thereafter, the</p> <p>6 original transcript will be forwarded by the court</p> <p>7 reporter to the Yavapai County Attorney's Office, to be</p> <p>8 by them maintained in a sealed condition pursuant to</p> <p>9 Code until further order of Court.)</p> <p>10</p> <p>11 I hereby declare under penalty of perjury</p> <p>12 that I have read the foregoing deposition transcript and</p> <p>13 have noted thereon any comments, changes, corrections or</p> <p>14 additions I feel are necessary to accurately reflect my</p> <p>15 answers to the questions propounded therein to the best</p> <p>16 of my knowledge and belief.</p> <p>17</p> <p>18 Signed at _____ on _____,</p> <p>19 2018.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">JOAN MARGARET SHATTUCK</p>

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1 Q. To get his story out?

2 A. And to find out what the police knew because

3 he was often asking, what are they saying, what are they

4 knowing, you know, but -- yeah.

5 Q. So he wasn't hiding, he was taking advantage

6 of your knowledge and using you as a conduit to get

7 information released?

8 MR. WILLIAMS: I'm going to object to the

9 leading questions, and the testimonial -- the testimony

10 from the prosecutor.

11 MR. FISHER: I'll rephrase the question.

12 Q. BY MR. FISHER: Why do you think he was

13 telling you all these things?

14 A. There you go. I -- yeah, I think he wanted

15 to tell his story to me, and it was a story that seemed

16 to cover everything that he had done with Larry's credit

17 card for one, and also, you know, it covered everything

18 that had happened between the time he picked up Larry

19 and the time he saw him off in Oregon. It was just --

20 Q. Did Mr. Richards' conversations with you get

21 more involved the more purchases that were recovered --

22 or uncovered, I should say?

23 A. Could you repeat that?

24 Q. Sure. It was a poorly worded question, I

25 apologize, it's getting late.

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1 co-adventures, their mining claims together, their

2 agreements to exchange property should anything happen

3 to anyone, the exchange of title in lieu of payment for

4 the Isuzu, things of that nature; is that correct?

5 A. Yes.

6 Q. Did it seem to you that Mr. Richards was

7 trying to get your assistance in obtaining those items?

8 A. Yes. I felt like he wanted to make sure I

9 knew that, because that's one of the things where he

10 repeated himself quite often, was -- and what Anthony

11 was entitled to of my brother's possessions, and I

12 think, you know, speculating, I thought that, you know,

13 if Larry never came back, he expected me to give these

14 items to him. I mean, he never said that, but that's

15 what I felt like. Why would he keep saying this?

16 Q. That's what you took from the conversation.

17 A. That's what I took.

18 MR. WILLIAMS: I'm going to object to the

19 speculation.

20 Q. BY MR. FISHER: With respect to another line

21 of questioning by defense counsel, he asked you -- I

22 think what he was trying to get at ultimately is, it's

23 fair to say that Larry, LP, and Mr. Richards were

24 friends, there was no question?

25 A. Yes.

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1 Did Mr. Richards' story continue to evolve,

2 his version of events?

3 A. Yes. Different things would come up and

4 change a little bit, yes. Some things were changing --

5 there was a little bit of new information each --

6 sometimes throughout different conversations.

7 Q. And did that seem in response to new

8 information that you would give to him?

9 MR. WILLIAMS: Again, leading question.

10 THE WITNESS: I'm not sure about the -- could

11 you repeat it again?

12 Q. BY MR. FISHER: For instance, if you brought

13 up a new purchase, did he have a new explanation for it

14 that hadn't been previously provided?

15 A. Yeah -- well, like he hadn't said anything

16 about the shaker table for -- throughout our

17 conversations, and when I brought it up, you know, he

18 said, oh, yeah -- that's when he told me, you know, oh,

19 yeah, right, we took that home and I dropped it off with

20 Larry -- LP, and he probably put it down where his

21 prospecting stuff is. So he would respond if I had a

22 question in that way, and that would sometimes bring up

23 new information.

24 Q. Thank you. Now, Mr. Williams also asked you

25 about how open Mr. Richards was about telling you their

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1 Q. And they were long-term friends?

2 A. Right.

3 Q. They probably had stayed together, it's a

4 fair assumption, they had camped together. And there's

5 no question about that, correct?

6 A. Right.

7 Q. Did Richard act like a friend in these phone

8 calls?

9 A. Well, Anthony actually told me -- at one

10 point he says he's my -- he's my only friend, so

11 Richards for sure considered Larry a friend.

12 Q. But did he act like a friend in these phone

13 calls? Did he express concern for Larry?

14 A. Did he act like a friend in the phone calls?

15 No. I mean, other than to say, you know, trying to

16 prove they were friends by what all they did. As far as

17 real time and right then and there, it wasn't -- he

18 didn't say things about -- like, well, where could he

19 be, or, what can I do or how can I help.

20 Later, way toward the end of our

21 conversations, at one point he said, well, I'm trying to

22 put an ad in the paper up here in Oregon but they won't

23 do it, and I don't know why that was. But other than

24 that, I really don't recall him offering up any kind of

25 assistance or concern as to where Larry was or how we

<p style="text-align: right;">Page 149</p> <p>1 STATE OF CALIFORNIA )  2 COUNTY OF TUOLUMNE ) SS  3  4 I, Dawn Wood, a licensed Certified Shorthand  5 Reporter, duly qualified and certified as such by the  6 State of California, do hereby certify:  7 That prior to being examined, the witness named  8 in the foregoing deposition was by me duly sworn to  9 testify to the truth, the whole truth and nothing but  10 the truth;  11 That the said deposition was by me  12 stenographically recorded at the time and place first  13 herein mentioned; and the foregoing pages constitute a  14 full, true, complete and correct record of the testimony  15 given by the said witness;  16 That I am a disinterested person, not being in  17 any way interested in the outcome of said action nor  18 connected with, nor related to any of the parties in  19 said action, or to their respective counsel, in any  20 manner whatsoever.  21 IN WITNESS WHEREOF, I have hereunto set my hand this  22 ____ day of _____, 2012.  23  24 _____  25 DAWN B. WOOD, CSR # 3115</p>	<p style="text-align: right;">Page 150</p> <p>1 REPORTER'S CERTIFICATION RE CERTIFIED  2 COPY OF TRANSCRIPT  3  4 I, Dawn Wood, a Certified Shorthand  5 Reporter in the State of California, License No. 3115,  6 hereby certify that the foregoing transcript is a true  7 and correct copy of the original deposition transcript  8 containing the testimony of Joan Margaret Shattuck  9 given under oath on September 5, 2018.  10 Dated this 15th day of September, 2018.  11  12  13  14  15 Dawn Wood, CSR No. 3115  16  17  18  19  20  21  22  23  24  25</p>

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<p>a 5:5,11,13,23,24 6:7,8 6:9,10,10,11,11,13,16 6:18,21,22,25 7:5,8,9 7:13,14,14,16,18,19 7:19 8:1,4,5,5,9,10,10 8:15,16,19 9:3,10,11 9:16,17,19,20,25 10:2 10:3,4,5,6,7,7,10,17 10:20 11:1,2,9,11,13 11:15,17,19,21,24 12:10 13:8,13,14,15 13:18,20,23,24 14:2,2 14:5,8,10,11,17,20,21 14:25 15:1,6,8,10,11 15:14,17,23,24 16:3,6 16:11,14,15,16,17,21 17:1,2,3,7,9,19,22,25 18:6,10,10,15,19,22 19:3,10,23,25 20:1,4 20:8,17,19,22,24,25 21:3,5,7,7,14,23 22:1 22:2,3,5,5,6,7,8,12,14 22:17,18,20,21,23,25 23:1,4,8,8,15,23 24:1 24:4,5,6,8,11,13,20 25:1,2,11,13,14,15,15 25:16,18,20,20,21 26:1,5,9,11,14,17,21 26:23,25,25 27:2,3,5 27:5,10,11,15,25 28:2 28:4,7,10,13,23,25 29:22 30:5,8,11,13,16 30:16,19,20,20,22,25 31:4,8 32:15,24,25 33:7,8,16,17,19,21,23 33:24,25 34:3,5,9,12 34:15,15,17,21,21,25 35:3,6,7,8,9,13,16,19 35:22,25 36:3,6,11,14 36:17,20,23 37:2,4,6 37:7,8,10,12,15,25 38:5,9,13,13,17,20,22 39:2,5,13,15,15,17,18 39:21,21 40:8,10,13 40:13,16,18,21 41:1 41:22 42:1,4,7,9,13 42:17,18,19,22,24,25 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